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COLORADO WILDERNESS ACT OF 1989

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 1343

TO DESIGNATE CERTAIN LANDS IN THE STATE OF COLORADO AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM, AND FOR OTHER PURPOSES

DENVER, CO, OCTOBER 28, 1989

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Committee on Energy and Natural Resources

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COLORADO WILDERNESS ACT OF 1989

SATURDAY, OCTOBER 28, 1989

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Denver, CO.

The subcommittee met, pursuant to notice, at 10:10 a.m., in the Denver City Council Chambers, City County Building, 1435 Bancock St., Denver, CO, Hon. Timothy E. Wirth, presiding.

OPENING STATEMENT OF HON. TIMOTHY E. WIRTH, U.S. SENATOR FROM COLORADO

Senator Wirth. If we could come to order and get going. I want to welcome you all to this hearing of the Subcommittee on Public Lands, National Parks and Forests of the Senate Committee on Energy and Natural Resources. The purpose of today's hearing is to receive testimony on S. 1343, the Colorado Wilderness Act of 1989 introduced in July.

I would like to thank Senator Dale Bumpers of Arkansas, the Chairman of the Subcommittee, and Bennett Johnston of Louisiana, the Chairman of the full committee for agreeing to hold this formal hearing in Denver.

I also want to thank all of you for taking time out on this beautiful Saturday morning to attend and to provide us with your thoughts and perspectives.

Public response to this hearing, as we can all see, is quite extraordinary and, again, my apologies for not having enough seats. We've asked the superintendent to try to move in as many folding chairs as we possibly can.

I don't think I need to summarize for all of you the history of the wilderness bill passed just 25 years ago in 1964. There have been a number of additions to wilderness in the state of Colorado over the last 25-year period of time.

We now have 2.6 million acres of wilderness in the state of Colorado. To put that in perspective, that is less than 4 percent of the land area of the state of Colorado, and most of that area, as we all know, is so-called rock and ice regions. That history will be clearly laid out, and I am sure by a number of the witnesses today and in a whole series of publications, and I will leave that unstated at this point.

I would also like to, if I might, take care of a few administrative details as we start. Because of the large number of witnesses testifying, we are going to do this all in panels. Witnesses—that is after we get through the first, more formal presentations on the issues of water, witnesses on the first panel dealing with water rights will each speak for five minutes, and then I will ask them to comment on what others have said and what we would like to do in the first part of this morning's hearing after hearing from Congressman Skaggs, Governor Romer, and my own opening statement.

What I would like to hear is to have us do is to define as carefully as we can the parameters of the water issue. We will then move to comments from those of you of the general public who would like to have your views known and as part of the full record.

Because of so many people who are here, people who have signed up in order, and we are going to move by panel. After we are through the water panel, we will move up people, individuals, five people at a time, each of whom will have two minutes. While that panel is testifying, we will ask the second group of five to move into the on deck circle, and then we can move very quickly right into this. So, we would like to leave those first two benches open if we can.

Staff will collect written statements at that time, and for those of you who do not want to testify but do have a written statement, please make that available to the staff, and why don't you raise your hand. Raise your hand—aggressively raising hands. That is the testimony collector, and if you would please make sure that she has that, I would appreciate it.

To ensure that everyone receives the same time for their statement, we will be using timer lights. When the red light goes on, please conclude your statement, and the red light is going to be right here. As you can see green, and then it goes to red. Okay. And then in fairness to everybody, if we could do that.

All written statements will be included in full in the official hearing record, and the record will remain open for two weeks to receive additional comments and testimony. So, those of you who do not get a chance to testify or do have to leave or hear things that you do not agree with and you would like to counter with a statement, the record will be open for two weeks. We want to make this as open a process as we possibly can for all views and all perspectives. Those views can be sent either to my office here in Denver or in Washington or to the Committee on Natural Resources of the United States Senate in Washington.

Again, that record will remain open for two weeks, and it will then be completed, and there will then be a printed record, and we should have a very broad perspective of views on the issues.

We are going to go right through today up until 4:00. We obviously have many, many people to testify, and so we will have a few stretch breaks, but be prepared for a long afternoon. I would also remind everybody that there are other things other than beautiful weather out there. The Oklahoma kickoff is at 12:30. [Laughter.]

Senator WIRTH. At this point I would also like to include in the record a copy of the legislation S. 1343, and without objection that will be included in full in the record.

[The text of S. 1343 follows:]

II

101st CONGRESS
1st Session

S. 1343

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

July 18 (legislative day, January 3), 1989

Mr. Wirth introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.—This Act may be cited as the "Colorado Wilderness Act of 1989".

TITLE I—ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM

Sec. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately fifty-eight thousand one hundred and sixty acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed", dated 1989, and which shall be known as the Buffalo Peaks Wilderness;

(2) certain lands in the Uncompahgre National Forest and in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately sixty-nine thousand nine hundred and forty acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed", dated July 1989, and which shall be known as the Cannibal Plateau Wilderness;

(3) certain lands in the Routt National Forest, which comprise approximately thirty-six thousand acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Mount Zirkel Wilderness as designated by Public Law 88-577;

(4) certain lands in the Gunnison National Forest, which comprise approximately fifty-five thousand five hundred and sixty acres, as generally depicted on a

map entitled "Fossil Ridge Wilderness—Proposed", dated July 1989, and which shall be known as the Fossil Ridge Wilderness;

(5) certain lands in the San Isabel National Forest, which comprise approximately twenty-four thousand one hundred and thirty acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed", dated July 1989, and which shall be known as the Greenhorn Mountain Wilderness;

(6) certain lands in the Pike National Forest and in the San Isabel National Forest, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness Additions—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(7) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "O Be Joyful Additions to the Raggeds Wilderness—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(8) certain lands in the Arapahoe National Forest, which comprise approximately twenty-four thousand one hundred and sixty acres, as generally depicted on a map entitled Saint Louis/Vasquez Peaks Wilderness—Proposed", dated July 1989, and which shall be known as the Saint Louis/Vasquez Peaks Wilderness;

(9) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred fifty-two thousand and eighty acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed", dated July 1989, and which shall be known as the Sangre de Cristo Wilderness;

(10) certain lands in the Routt National Forest, which comprise approximately fifty-four thousand seven hundred acres, as generally depicted on a map entitled "Service Creek Wilderness—Proposed", dated July 1989, and which shall be known as the Service Creek Wilderness;

(11) certain lands in the San Juan National Forest, which comprise approximately thirty-two thousand eight hundred acres, as generally depicted on a map entitled "South San Juan Additions Wilderness—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the South

San Juan Wilderness as designated by Public Law 96-560;

(12) certain lands in the San Isabel National Forest, which comprise approximately nineteen thousand five hundred and seventy acres, as generally depicted on a map entitled "Spanish Peaks Wilderness—Proposed", dated July 1989, and which shall be known as the Spanish Peaks Wilderness;

(13) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-327;

(14) certain lands in the San Juan National Forest, which comprise approximately eight thousand six hundred and fifty acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Weminuche Wilderness as designated by Public Law 93-632;

(15) certain lands in the San Juan National Forest, which comprise approximately twenty-two

thousand one hundred and ten acres, as generally depicted on a map entitled "West Needles Wilderness—Proposed", dated July 1989, and which shall be known as the West Needles Wilderness;

(16) certain lands in the Rio Grande National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Wheeler Peak Additions to the La Garita Wilderness—Proposed", dated July 1989, which are hereby incorporated in and shall be deemed a part of the La Garita Wilderness as designated by Public Law 88-577;

(17) certain lands in the Arapahoe National Forest, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed", dated July 1989, and which shall be known as the Williams Fork Wilderness: *Provided, however,* That subject to valid existing rights, that part of the Williams Fork Further Planning Area as generally depicted on said map and which is not designated part of the Williams Fork Wilderness by this Act, shall be managed until Congress determines otherwise to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided*

further, That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; and

(18) certain lands in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposed", dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Big Blue Wilderness as designated by Public Law 96-560.

TITLE II—WATER RIGHTS

SEC. 201. (a) FINDINGS.—The Congress finds and declares that—

(1) where it exists in wilderness, water is vital to those natural values and recreation uses that wilder-

ness, as defined by this Act and the Wilderness Act (78 Stat. 890), is meant to provide for and preserve;

(2) the wilderness area designated by this Act are situated at the headwaters of streams in the State of Colorado;

(3) the express reservation of water for wilderness areas designated by this Act will not diminish the presently adjudicated valid existing appropriative water rights within or upstream of the areas designated as wilderness by this Act;

(4) the express reservation of water for wilderness areas designated by this Act will not diminish valid existing or future appropriative rights located downstream of the exterior boundaries of the areas designated wilderness by this Act and will benefit such rights by maintaining existing stream flows and preserving the natural ecosystems of the watersheds;

(5) the express reservation of water for areas designated wilderness by this Act will not diminish the State of Colorado's right to use those quantities of water apportioned pursuant to interstate compacts and equitable decrees of the United States Supreme Court;

(6) the express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when

areas are included in the National Wilderness Preservation System;

(7) the Federal water rights reserved by this Act shall be in addition to express or implied water rights previously reserved by the United States for purposes other than wilderness; and,

(8) except as provided in subsection 201(b), this Act is not intended to determine the existence or scope of any express or implied reserved water rights created in or arising from other Federal legislation.

(b) DETERMINATION.—(1) Therefore, the Congress determines and directs that the United States reserve a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(2) For the purposes of State water rights administration, the priority date of the water rights reserved in this section shall be the date of enactment of this Act.

(3) The Secretary shall, no later than two years after the date of enactment of this Act, file a claim for the adjudication of the water rights reserved by this section in appropriate proceedings in the courts of the State of Colorado pursuant to the provisions of section 666 of title 43, United States Code, and shall take all steps necessary to protect such rights in such adjudication.

(4) Nothing in this Act shall be deemed to alter or modify any interstate compact or equitable decree of the United States Supreme court, effecting the allocation of water between or among the State of Colorado and other States.

(5) Notwithstanding anything contained in this Act or any prior Acts of Congress to the contrary, the United States shall not assert reserved water rights to waters in the North Platte River for purposes of the North Platte Wilderness Area located on the Colorado-Wyoming State boundary, to the extent such rights would prevent the use or development by present and future holders of valid water rights of Colorado's full apportionment of interstate waters within the State of Colorado pursuant to interstate compact or equitable decrees of the United States Supreme Court: *Provided,* That nothing herein shall excuse the Secretary from promptly adjudicating those rights in appropriate stream adjudications.

(6) The Congress hereby reaffirms section 102(a)(5) of Public Law 96-560 (94 Stat. 3266) and the last sentence of section 2(e) of Public Law 95-237 (92 Stat. 41).

(7) Nothing in this Act shall be construed as a precedent for the designation of future wilderness areas in the State of Colorado or any other State.

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. (a) The following lands in the State of Colorado are hereby designated as wilderness study areas:

(1) certain lands in the San Juan National Forest, which comprise approximately sixty thousand acres as generally depicted on a map entitled "Piedra Wilderness Study Area—Proposed", dated July 1989; and

(2) certain lands in the San Juan National Forest, which comprise approximately two thousand two hundred and forty acres, as generally depicted on a map entitled "Purgatory Flats Wilderness Study Area—Proposed", dated July 1989.

(b)(1) The Secretary of Agriculture, in conjunction with the Colorado Water Conservation Board and other appropriate State and Federal agencies, shall, within two years after the date of enactment of this Act, conduct and transmit to the Congress a comprehensive study of (i) the wilderness values that are supported by streams that arise upon or flow through such wilderness study areas and necessary flows for the protection of wilderness values on streams within such wilderness study areas; (ii) the potential for the development of water resources on stream segments upstream of such wilderness study areas; (iii) a range of alternatives for protecting water resources within such wilderness study areas, including recommendations of the Colorado Water Conservation

Board; and, (iv) the effect such alternatives would have on private rights to develop water resources upstream of such wilderness study areas pursuant to State law.

(2) In conducting the study, the Forest Service shall hold at least one public hearing in the vicinity of each of the wilderness study areas designated by this Act and at least one hearing in the Denver metropolitan area, and shall request from interested public agencies and individuals recommendations on protecting instream flow values within such wilderness study areas.

(d) The wilderness study areas designated by this Act shall, until Congress determines otherwise, be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated as wilderness by that Act: *Provided, however,* That no Federal water rights, express or implied, are established by enactment of this section.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture and the Secretary of the Interior, as appropriate, shall file the maps referred to in this Act and legal descriptions of each wilderness area and wilderness study area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of

Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 890) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, and reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 402. REPEAL OF WILDERNESS STUDY AREA MANAGEMENT RESTRICTIONS.—Section 2(e) of Public Law 95–237 is amended by deleting the fourth sentence of that subsection and Public Law 96–560 is amended by deleting subsections 105(c) and 106(b) of that Act.

SEC. 403. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation Program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1976 (Public Law 94-588), as amended by the National Forest Management Act of 1976, to be an adequate

consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that the conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final evironmental impact statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act, except for the Williams Fork Further Planning Area, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursu-

ant to section 6 of the Forest and Land Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law;

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area reviews and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size.

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Senator WIRTH. Let me begin, if I might, by testifying or making a statement of my own, but let me first ask—we have been joined by our good colleague from the Second Congressional District, who might come up. David Skaggs is here, but let me start first with a statement of my own about why I believe we are here and where we are going.

In the 1830's a fur trapper named Osborne Russell fell in love with a valley in the Rocky Mountain West. Osborne Russell was nobody's notion of a highbrow intellectual. Born in 1814 in Maine, he worked as a sailor and then as fur trader in the Great Lakes area and arrived in the Rockies in 1834.

The counterculture rebels of the 1960s and 1970s would not have wanted him as a hero. He took a willing part in the great commercial campaign to wipe out the beaver, and he fought the Indians, and he certainly did not lead any campaigns to limit growth or preserve the wilderness. But Russell was a person of strong feelings, feelings strong enough to make him write down his experience. His journal of a trapper is a great western document, giving us an unforgettable glimpse of the human reality of the past, and this is what Osborne Russell wrote about, a river valley in the northern Rockies.

> The river then ran a long distance through a tremendous cut in the mountain in the same direction and merged in the large plain. the extent of which was beyond our geographical knowledge or conception. We stopped at this place, and for my own part, I almost wish I could spend the remainder of my days in a place like this where happiness and contentment seem to reign in wild romantic splendor surrounded by majestic valleys which seem to support the heavens and shut out all the hostile intruders.

A literary critic might call it overwritten or amateurish in style, but a sensible person, a sensible response to that criticism would have to be so what. Osborne meant it.

Historians all know by now make mistakes. They sometimes make factual errors, but they also make mistakes of interpretation and characterization in both popular memory and historical writing. White Americans in the 19th century West have been assigned the role of nature haters, single-minded people so preoccupied with profit that they saw nature solely as a container to be ripped apart and then discarded as soon as the treasure was removed.

There were certainly plenty of people who met that description, but there were also the Osborne Russells, people who had moments when economic usefulness was the furthest thing from their minds, and all they could think of looking at western landscapes was the 19th century equivalent of wow.

This response often had a religious dimension for them. It was a natural and easy mental jump to see the beautiful landscape as proof that God existed. It was just not the case that Americans sat around waiting for John Muir and the Sierra Club to uplift them and teach them how to appreciate nature. Such appreciation was a broadly based sentiment felt by many regular folk long before it became an elite movement of prosperous middle class and upper class people looking for restful vacations and pretty valleys.

Consider the words of a young man from Indiana crossing the mountains in the mid-19th century, bedraggled without possessions, nearly destroyed by the hardships of the trip, quite remote from the literary and economic elite of this world. "This view," he wrote, "is worth all my pain and trouble and suffering. This view is worth all my pain and trouble and suffering." It is a remarkable statement in any terms, and it is especially remarkable for someone who had pain and trouble and suffering in extraordinary quantities.

And that is indeed where 19th century nature loving is at its most impressive, when people on the Overland Trail pressed the limits of their resources and uncertain as to their survival, eager to finish the journey, still found the energy to be astonished by nature.

Speaking for this tradition as well in the 1850s, an overland traveler named Lucina Parsons described the rocks near Bear River. "It appears sublime to me to see these rocks towering one above the other and lifting their majestic heads here in this solitary spot. Oh beautiful is the hand of nature. I hate to leave these beauties, but must on. I hate to leave these beauties, but must on."

The sentence reminds us of the luxury that we enjoy in the late 20th century. From Osborne Russell to the Lucina Parsons, pioneers drawn to nature wanted most of all more time, time to spend walking through contemplating, absorbing these scenes. Passed over the Rocky Mountains, the backbone of America, wrote Elizabeth Dixon Smith traveling to Oregon with her husband and eight children in 1847. "It's all rocks on top and they're split into pieces and turned up edgeways. Oh, that I had time and talent to describe this curious country."

If a woman traveling over land with eight children to supervise could find the time and energy to record this wish, then certainly we in 1989 have some obligation to put the time that we have to good use. They did not have time to give the astonishing natural landscapes of this region their full attention. We do.

If there is an afterlife and if we should meet these 19th century nature lovers there, then we will find it tough if we have to tell them that we didn't use the time when we had it, that instead we put the time to use utterly transforming sometimes virtually erasing the landscapes that moved these people so.

In the 1980s it has become easy to think that love for natural landscapes, the emotion that drove the whole movement to preserve some landscapes in as unchanged a form as possible is an elite business. Environmentalism, wilderness preservation came to be seen, the concern of a prosperous leisure group of outsiders who wanted parts of the West set aside as their private playground. Indifferent to the interest of others, these owners of expensive camping equipment wanted the universe regulated to match their elite taste.

But go back to the 19th century. Read the words of the overland travelers. Think especially of the bedraggled young man who felt this view worth all my pain and trouble and suffering. Elitism is a label that just does not fit.

There is, in other words, a well established American tradition, a tradition that we virtually forgot about of regular folk who took nature seriously, who yearned to know more about the natural settings they could only catch glimpses of, and who were anything but elite.

The people of the western past—and this is even more the case when Indian people and Hispanic people are added to the picture—were not a social monolith devoted to economic development. They were not a wave humanity single-mindedly and one dimensionally pursuing profit at the expense of any other human value, and we owe them the justice of recognizing that, recognizing that they have bequeathed to us a strong and deep-rooted tradition of loving nature.

Along with the false stereotype of nature loving as an elitist enterprise, we have been misled as well by an overstated conflict between nature and humanity. In this way of thinking, the wilderness is defined as the opposite of human presence. In fact, when this form of thought is at full steam, nature is set off utterly on its own terms, and humanity appears as something close to an infection of the earth.

Nature, the theory goes, is whole and hearty, but cities and human settlements of all sizes and contrast are a kind of disease that afflicts the earth. Wilderness thus appears as the area where a quarantine goes into effect and humans and their disruptive ways are simply eliminated from the picture.

That old conflict between humans and nature has been healing over the years. We recognize on one count that humans are themselves concretely part of nature as biological beings, and we recognize on the other hand that humans have been shaping and changing the western landscape for a long time.

It is not just that Osborne Russell and the fur trappers were here trying to eliminate the beaver and 160 years ago. Long before that Indian people made nature something other than pristine by hunting and burning and often farming. We know enough now to have got over that notion of humans as a kind of disease that infects and poisons the earth, and we have at the same time gotten over the notion that there is such a thing, that there should be such a thing as a natural landscape utterly and completely unaffected by human beings.

Rather than thinking of wilderness as a rejection of human existence, we now see wilderness preservation as a distinctly human thing to do. Part of living in civilized society is, after all, one episode after another in which individuals restrain themselves for their own good and for the general good.

While humans in the American West have a perfect right to create cities and farms and ranches, they also have a right to designate some landscapes for a different kind of use.

That use, the contemplation of places and plants and animals, the satisfaction of curiosity, the pleasure of observing that 19th century travelers yearned to have more time for, that use has economic values as well. The tourist dollars brought to neighboring communities, but that use also carries something more important. It gives us a sense of who we are, where we are, and of our determination to stay here over the long haul.

Give a place the very human designation of wilderness, restrain some kinds of uses in order to give this special kind of use full play, and we are launched on the most exciting phase of economic development in the whole span of western American history.

From the fur trade to the mining rushes, from the oil booms to the overallocation of water, western economic development has too often rested on thin ice, on resources that went often pretty rapidly from abundant to depleted. The word for the West in the 1990s is a magic word that is also the practical word is sustainable, sustainable, and the fact that this region's most distinctive holding, the element that sets it apart from other American regions is its landscape.

The preservation of wilderness is a key step in the journey towards sustainable economies and sustainable societies. It is the key step in providing that this is the era that the end of the second millennium when we reverse the region's historic drift toward resource depleting and turn instead to a trend of resource maintaining.

Wilderness preservation is only one part of this process, but it is an essential part. It the way to pay a proper homage to our pioneer ancestors who wished for more time to see what nature had created in this region while at the same time it is the way to pay proper respect to our descendants, to leave them a real heritage in nature and not a container discarded once the treasure was removed.

Wilderness preservation, even if it affects only a small percentage of the land, gives us a bedrock for our identity as westerners. It ties us to westerners of the past and the westerners of the future. It gives us landscapes that can be literally and concretely our anchors in a shifting world.

Now, I wanted to make that statement to make clear where I am coming from, why I believe this is important. As the junior senator from the state of Colorado, the values that I believe this reflects for all of us, and perhaps a kind of bedrock that gives me a sense of values in trying to sort through all of the various interpretations that we have of wilderness and how we get there.

Thank you very much for your indulgence. Let me now, if I might, go to our distinguished colleague from the Second Congressional District, and I understand maybe you could withhold for a moment, David. Governor Romer has also arrived and has to move on, so maybe Governor Romer, we might move you right in, if we could do that, and give you the opportunity to give us the benefits of your views on behalf of the State of Colorado. So, please come in and join us.

STATEMENT OF HON. ROY ROMER, GOVERNOR, STATE OF COLORADO

Governor Romer. Thank you. I just came from a dental chair, and I am still trying to get my tongue back into control. Now, that is something that all of us politicians have a problem with. [Laughter.]

I want to thank you for giving us the opportunity to discuss this in Denver, and I thank you, Congressman Skaggs, for letting me do this so I can do another thing immediately thereafter.

I believe we need to break this log jam, and I think we can, and I think, as I have discussed it with a number of people in the room, we need to separate out the headwaters lands from those other lands, and I would like to read a statement which I have thought about for some time which will state my support of wilderness and how I would hope that it would be accomplished. It is as follows.

I support the designation of additional wilderness areas in Colorado. Colorado has 18 wilderness study or further planning areas under temporary protection until Congress acts on the question of whether these areas should be designated as wilderness. It is time to conclude this process.

Wilderness designation is stalemated over the question of water rights. We need to separate the issue of water rights for the currently proposed wilderness areas located in headwaters from the issue of whether there should be water rights for potential future wilderness areas situated downstream.

In headwater areas, wilderness water rights are not an issue because there is no water above the wilderness area to be diverted. In downstream areas, however, wilderness water rights could adversely affect the development of Colorado's compact entitlement or our water rights system.

In light of these circumstances, I support the following concept and believe they should be included in the wilderness bill:

One, for the proposed new headwaters areas, I support express federal reserved water rights. These rights should be adjudicated in state courts pursuant to the McCarren Amendment and administered within the framework of existing state water law.

Two, we do not need to address the question of downstream wilderness water rights at this time since currently pending proposals do not include any such areas. If downstream wilderness areas are proposed, we must consider the water rights question on a case-by-case basis.

Three, any bill should explicitly address only water rights in wilderness areas created by the bill. Water rights in existing areas, a matter in litigation, should not be addressed, nor should water rights in future areas yet to be created.

Four, attention must be paid to the question of wilderness water rights in the existing North Platte Wilderness Area. In this case, a solution must be crafted that will not preempt Colorado water law or impair our rights under the decree of the U.S. Supreme Court.

Five, provisions in previous legislation concerning water resource facilities and projects located in wilderness areas should not be changed.

Six, I have not analyzed the proposed wilderness boundaries. In concept, boundaries should minimize the conflicts with existing and contemplated future uses. I will have a more detailed position on boundaries after examining the three bills which I understand may be introduced to establish a wilderness in Colorado.

Many details remain to be negotiated. For example, we must assure that bill language pertains only to new and not to existing wilderness areas. Questions also remain as to the specific quantity of water needed for wilderness. Resolving these issues will take hard work and dedication by all parties, but I believe it can be done.

I am struck by how close we are to compromise. I believe agreement is possible within the principles I have articulated today, and I call on both of the Colorado senators to continue their great efforts to continue this process and to move to the successful passage of a Colorado wilderness bill.

Senator, I offer this as my personal position and I would be glad to work further with you and other members of the delegation to see if we can proceed with these concepts, and as you can tell, I have not had the personal opportunity to go through the specific boundary questions, but I have had time to think clearly about the water issue and I think the concepts that I have enunciated will allow us to proceed with the headwaters lands and solve other problems later.

Senator WIRTH. Governor Romer, thank you very much. I greatly appreciate your offer of help as well. I think that having the expertise of your office and the Department of Natural Resources and the long water history in the State of Colorado will be most useful.

As you know that tends to be, to use maybe a bad word, the watershed issue is the issue in this bill and I hope that we can get that resolved. I think your very constructive themes here that we can include in the bill are ones that will receive a great deal of attention.

We appreciate very much your coming, and your interest in this important issue, which is so important to so many people here. Thank you very much, governor, and we appreciate your coming by this morning.

Governor ROMER. Thank you.

[Applause.]

Senator WIRTH. Our second witness this morning is the Honorable David Skaggs, representing the 2nd Congressional District. David, thank you for joining us this morning.

STATEMENT OF HON. DAVID E. SKAGGS, U.S. REPRESENTATIVE FROM COLORADO

Mr. SKAGGS. Thank you, senator, for the opportunity to appear today and express some of my thoughts and concerns about wilderness legislation as it will be dealt with by, I hope the 101st Congress of the United States.

To begin with, I would like to thank you and congratulate you for all you have been doing and are doing on this important issue. You have taken the lead in introducing the first Colorado Wilderness Bill in the 101st Congress. You have been a tireless worker on this issue and I hope that within the next year you will have the satisfaction of seeing a Colorado Wilderness Bill passed and signed into law.

I am not here today to endorse any specific boundary lines or specific legislative language. I am here this morning to endorse wilderness. I am here to say that I, as one member of our state's congressional delegation, am ready, willing and eager to do all I can to get passed a long overdue bill.

If we are going to pass such a bill, we will first need to answer two questions: do we want to preserve more land and do we want to preserve water to go with that land? My answer is yes to both questions.

[Applause.]

Mr. SKAGGS. We are blessed to have in Colorado the most majestic, inspiring and pristine lands in the world. It is Colorado's magnificent mountains which drew many of us and our ancestors to move here. Those mountains draw most of the millions of people who travel to Colorado from around the Nation and indeed from around the world, and most of these people come not to ski in the winter, as important as that is to our economy, but to hike and camp and fish and take in the beauties of this land in the summer.

So as you have pointed out, our wilderness is vital to our economy. That is certainly by itself, a strong reason for protecting this precious resource but as important as economic reasons are, they pale besides the larger philosophical and moral reasons to protect wilderness.

Those reasons can be found in the answer to this simple question, really a variation on a theme you struck in your opening remarks: do we who are here now have the right to rob the future of the chance to know, in its untrammeled perfection, some of the most spectacular mountain country that nature has ever created?

I say we do not have that right. Instead, we have the right—I think we have the duty—to do everything in our power to preserve enough of this state's wonders so that future generations will thank us and not curse us.

How much is enough? I cannot say precisely, because too much of the work that must go into reviewing each individual tract of land to determine what should be done with it is simply beyond my ken right now, but I can say that much more land needs to be set aside.

Less than 3 percent of Colorado's land has been given the permanent protection of wilderness designation. That is a lower percentage than has been set aside in California or Idaho or Montana or Washington or Wyoming.

What is more, the congressional representatives of those states are busily seeking additional wilderness designations for those states, and if I can engage in a little bit of state pride and chauvinism, I believe Colorado has more spectacular lands than they do. We certainly have more and higher mountains.

So I am confident that for much more of our state's lands the highest and best use is to set them aside to remain in pristine condition for all time, and I am not just talking about the rocks and ice of mountain peaks, where there are no resource conflicts.

We also need to set aside, eventually, more of entire ecosystems, including especially the forested slopes where there may sometimes be other possible uses. Setting aside just the land will not be enough, because in recent years new questions have arisen whether a wilderness designation brings with it a right to leave enough water in the wilderness to keep it from drying up. It would certainly be an empty exercise to preserve the land if we do not also preserve the water to go with it.

The reality is that we can avoid any actual conflict over water rights. Mr. Chairman, you have wisely restricted the proposed wilderness designations to headwater areas, areas that streams flow out of, not into. I endorse this approach. It avoids conflicts with other possible future water use.

Because the reserved water right that accompanies a wilderness designation is a right to leave water in its natural stream, that right benefits future downstream users because the wilderness right ensures that the water will stay in stream and be available for consumptive use after leaving the wilderness.

By limiting the next round of wilderness designations to headwater areas, we can defer until future bills the water conflicts that will need to be worked out when we get to downstream areas particularly downstream BLM wilderness. But we are not at that point now, and it would be a mistake to continue to hold hostage those wilderness areas that do not have anything to do with possible future water conflicts.

If we in Congress can agree to limit the next wilderness bill to headwaters areas only, and I think we can, then we do not—and I do not believe we need to include any water rights language in the bill.

I realize this would be a different course than you have suggested in your bill, but it seems to me for a couple of reasons that it would be preferable to not specify any new water rights language.

First, as I have already indicated I do not believe there would be any real conflicts because the areas would all be upstream of future users and existing senior rights. If anybody could identify a specific problem, certainly we should then consider and deal with that specifically.

Secondly, although the court-created system of reserved water rights is not ideal, it is at this point well-established and well-known, and certainly with more than half of the country's water lawyers here in Denver we are well equipped to understand the existing reserved rights doctrine as it would apply in headwaters wilderness areas. To adopt new legislative language could interject an unnecessary measure of uncertainty, confusion and perhaps unintended consequences.

For these reasons, I would like to see Congress pass a Colorado Wilderness Bill without specific water language dealing with headwaters areas, and if we do have any water rights provisions I will do my best to see that it is language ensuring that we do reserve water for wilderness and that it is sufficient to protect wilderness values.

I look forward, Mr. Chairman, to working with you and others in our delegation and in the appropriate Committees to pass a Colorado Wilderness Bill in the next year.

I have spoken several times with our colleague, Ben Nighthorse Campbell, who of course represents the area where most of the proposed wilderness is. I believe he is working on his own bill and I look forward in particular to working with him on the House side.

I would very much like this to be the Congress in which we break through the differences and delays that have for several years prevented passage of a bill, and I stand ready to help in any way I can.

Again, I thank you for your leadership and for your generosity in making time available this morning for me and I am sure we will all be enlightened by the testimony that follows this morning.

Thank you very much.

Senator WIRTH. Congressman Skaggs, thank you very much.

[Applause.]

Senator WIRTH. I appreciate your very careful statement and it is very well written, and let me ask you one question: You are a good lawyer and a very experienced scholar of the legislative process. One of the arguments that has been made over and over again about designations of wilderness is that if you do one thing in a particular bill you might prejudice future actions down the line.

Now, it is my understanding that each Congress speaks for itself, that one Congress cannot bind a future Congress. Were we to do one thing in the 101st Congress, would that preclude in any way the 102nd, or the 103rd, or the 104th from changing its mind, or doing something entirely different?

Mr. SKAGGS. As a general matter, it would not. Certainly, any vested rights that might have been created by the actions of a prior Congress are going to have to be respected by subsequent legislative action, but I do not think it is in that area that you are addressing, and I think the conservative approach in the most literal sense is that, you know, you deal with the problem that you face at the time that you face it and you do not borrow trouble.

Senator WIRTH. Thank you very much, Congressman Skaggs. We appreciate your being here. Thanks ever so much.

Let me do the following: this is a hearing of the United States Senate. Those of us who are junior members of the Senate chair the Senate a great deal, and on the podium is a reminder from the majority leader that any "outburst" will be restrained by the Sergeant at Arms.

Well, there is no Sergeant at Arms here, there is only the good judgment of everybody here and I would hope that following the procedures of the Senate, we might refrain from applause. I know that everybody would like to do that, but if you would please refrain, this is a time of making a record and not getting into rhetorical positions one way or another.

There may be some rhetoric this morning, there may not be, but maybe you could ignore that. What we are trying to do is to listen for the record, and so please, let us not have any clapping, or maybe there will be booing or hissing, or whatever, and so let us leave all of that out. I would appreciate that, and if you find people standing next to you or sitting next to you doing that, give them a good shot in the ribs, will you, and tell them please not to. Act as your own Sergeant at Arms.

Let me introduce the Subcommittee staff. On my right is David Brooks, the Subcommittee counsel. On my left is Jim O'Toole, who is the professional staff member for the minority. The Senate is very careful, as you all know, to make sure that all views are represented.

On the far right, who will be also collecting testimony, is Allison Spalding, and Allison is the person who I asked to raise her hand. Again, those of you who have statements, if you do not want to be here or may have to leave, or whatever, make sure that Allison has those.

Behind me is Jim Martin, who is the Director of my office in Colorado, and also an attorney, and even worse than that a water attorney. [Laughter]

We have got a panel of water lawyers coming up. I did not mean to show my colors. We have eight witnesses and we have asked each of them to address to issue for five minutes, and then what I am going to do is to spend a few minutes after that asking them to comment upon what others have said, so that we are sure that we have a full sense of the issues.

In the order that was agreed, our first witness will be Mr. Maynes, then Mr. Getches, Mr. Trick, Ms Fox, Mr. Hobbs, Mr. Porzak, Mr. Miskel and Mr. White.

So our first witness is Sam Maynes, and Sam, if you would come join us we would greatly appreciate it, and each of you might point out, I am sure you will, who it is you are representing as well.

STATEMENT OF FRANK E. (SAM) MAYNES, LEGAL COUNSEL, SOUTHWESTERN WATER CONSERVATION DISTRICT

Mr. MAYNES. Mr. Chairman, thank you very much for the opportunity. I am Frank E. (Sam) Maynes, legal counsel for the Southwestern Water Conservation District, and I have participated as a member of the Wilderness Water Rights Negotiations Team representing both Southwestern Water Conservation District and the Rio Grande Water Conservation District.

Before going further, I would like to thank the Chairman for the support for water resource development that he has given us in the past, and in particular for his strong support for the Colorado Ute Indian Water Rights Settlement Act of 1988. I think that the value of compromise is demonstrated in that legislation as something that I believe has applicability to the issues that we face today.

The issue of wilderness water right is important, because water in our state is not only a precious but a scarce commodity. If water is reserved for wilderness areas it would no longer be available to meet competing needs. Colorado citizens who value those needs highly fear that creation of new water rights undefined by Colorado water law will impose new limitations on both current and future operations and opportunities.

We on the Water Rights Negotiation Team have long been aware of the desire of the environmental community to have additional areas of our state designated as wilderness. We have a concern about both existing and proposed new wilderness designations as well as potential creation of downstream wilderness areas, which we view as a serious threat to water resource development in Colorado.

My clients seek protection in this legislation from the uncertainty and water availability and use that is posed by the specter of eventual downstream wilderness areas. The water interests I represent want assurances that if we acquiesce in the establishment of headstream wilderness areas and recognize a water right to these areas, we will not be forced at some future date to engage in additional, prolonged and expensive defense against the threat to water utilization which will go hand-in-hand with the creation of downstream wilderness areas.

The creation of a Federal water right would significantly limit Colorado water users' ability to develop new water supplies by storage and administer existing water diversions and storage facilities and effectively manage those water resources through trades and exchanges.

It is not sufficient to say this bill does not address the issue. Section 201(a)(1) of the proposed legislation states that where it exists in wilderness water is vital to the natural values and recreation uses intended to be preserved.

Future creation of downstream wilderness areas in light of this proposed finding would impose strict water quantity and quality restrictions on other water users upstream, prevent or totally restrict exchanges up or down stream, changes in use, method of operation, no matter how necessary to accommodate changing conditions for both agriculture and municipalities or because of drought.

Any change in the future would be subservient to the junior water right created by Congress. Flexibility, the hallmark of the Colorado water appropriation system, will be substantially eroded.

Two arguments are usually presented to suggest that this legislation will have no impact on downstream wilderness questions. First, that is the legislation says it is not intended to determine the existence or scope of any water right arising from other legislation. However, the bill does not preclude future Federal legislation creating downstream wilderness areas. It saves for another day an intensive, time-consuming, costly battle over downstream areas. We believe—my clients believe the lack of this resolution of that issue is a critical flaw in this proposed legislation.

Secondly, some would have you believe that because express wilderness water rights will be junior water rights, they will have no impact upon senior water rights. The impact of other Federal enactments on senior water rights is already felt.

The State of Colorado instream flow program is just such a legislative-created right. Senior water rights can make no change or alteration in water rights use without the potential for objection from that formidable objector, the State of Colorado.

Colorado citizens are entitled to an equitable solution to this problem. The many legitimate interests that are concerned requires a comprehensive solution, a solution in which one side does not take everything and the other side gets nothing. S. 1433 as presently proposed does not provide such an equitable solution.

I thank you for your time, Senator.

Senator WIRTH. Mr. Maynes, thank you very much. We appreciate your testimony. I should note for the record that this is not, as some would say, a partisan issue. Mr. Maynes and I have worked together on a zillion other issues, many political, not many nonpolitical, and Sam, we appreciate your being here and we can be agreeable while we disagree on some things, certainly.

Thank you very much.

Our second witness today is Mr. Carl Trick. He is former president of the Colorado Cattlemen's Association and a rancher in Northern Colorado.

Excuse me, I have two different lists here. David Getches is our second witness here, Professor of Law at the University of Colorado and former Executive Director of the Colorado Department of Natural Resources.

STATEMENT OF DAVID H. GETCHES, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF NATURAL RESOURCES

Mr. GETCHES. Thank you, Mr. Chairman. I appear today, as I guess all of us on this panel, as a member of the committee appointed by you, Mr. Chairman, and Senator Armstrong two years ago now to work on a negotiated solution of the wilderness water rights issue. We are going to hear obviously a lot of differences of opinion today. They revolve around the reserve rights doctrine. I would like to say a few words about that.

There are some things, though, that I do not think anyone is going to disagree about. I do not think anyone will dispute today that water is vital to the future generations of Coloradans who may need it for their homes, for their farms, for industry and for maintaining the natural beauty of the state.

I do not think anyone is going to disagree that water is essential to the character of the west, to preserving some of the flowing streams that are viable today and that we want to keep viable for our children and grandchildren, many of which need to be preserved in wilderness areas.

We will disagree over reserved rights. Perhaps it is worth taking just a minute or to two to explain the reserved rights doctrine and how that fits in with wilderness designation.

Reserved rights is a doctrine created by the United States Supreme Court to satisfy some of the water that is available in a watershed when we take public lands and designate them for a special use like a national park or a national wildlife refuge, a forest or a military base. Most notably, Indian reservations are the beneficiaries of reserved rights under that doctrine.

The doctrine was developed by the courts to fit into the prior appropriation doctrine to give a priority date to these specially designated public lands. The priority date in the case of the reserved right doctrine is the date the reservation was created, so that means an old Indian reservation created before the turn of the century has a very good water right. A water base created in the 1940s or 1950s would not have such a good right in terms of priority under our western prior appropriation system.

Now it does fit into the priority system. It is supposed to do that, but in one important way it does not fit very well. It bothers those of us who have to work within the prior appropriation system on a regular basis and look to that system for certainty. The amount of water reserved is uncertain. It is not based on the amount used the way everyone else's water rights are based. The amount is determined by the needs of a particular public land area, and that is implied from purposes expressed in the legislation, creating uncertainty and headaches for a lot of us who have to work with the system.

That uncertainty can be cleared up if those water rights are adjudicated in our State water courts. Many of us believe that is where it should be done, and that is where it is being done today in all the water negotiations of Colorado. That uncertainty is being resolved, and every water user in the state has a chance to come in and comment on and argue against or for the Federal claims that may have affect their water rights.

Now how does that relate to wilderness water rights? How does this reserve rights doctrine potentially come into conflict? Coloradans are very wise to take a look at that issue because our water rights are so valuable to us in this state. We have got to ask about every proposal to set aside public lands for a specific purpose:

One, whose water rights are going to be threatened; and

Two, what developable water in this state will be taken off limits from development? What water will become undevelopable. I would hope that those questions could be asked of any witness here today who opposes the wilderness designation under S. 1343.

How does that bill affect those two very important interests? Looking at these issues in the context of wilderness designation, we on the negotiating team have to ask in the context of wilderness proposals what the effects of wilderness designation would be on water rights. The answer is with respect to existing rights, very easy, existing uses and rights, of course, cannot be affected, cannot be threatened by new wilderness designations.

New users downstream cannot be hurt. In fact, they will be enhanced by the enhanced flows and the cleaner water. New users upstream potentially will be affected. That is what S. 1343 was to have eliminated, and presumably that is what it will do.

Looking at the two questions I raised, whose water rights will be threatened, the answer under S. 1343 is clear. No one. Asking what developable water will be affected, the answer is clear. Not a drop.

Senator **Wirth**. Thank you very much, Mr. Getches.

Our third witness whom I introduced earlier is Mr. Carl Trick. He is the former president of the Colorado Cattlemen's Association and a Northern Colorado rancher.

Carl, thank you for being here.

STATEMENT OF CARL TRICK, NORTH PARK RANCHER AND MEMBER OF WATER RIGHTS NEGOTIATING TEAM, ON BEHALF OF THE COLORADO CATTLEMEN'S ASSOCIATION AND COLORADO COUNTIES, INC.

Mr. **Trick**. Thank you, Senator. I appreciate the opportunity to be here. My name is Carl Trick, and I represent the Colorado Cattlemen's Association, Colorado Counties, Inc. and a member of the Water Rights Negotiating Team.

For years, residents of Jackson County have repeatedly gone on record as being opposed to the designation of additional wilderness in Jackson County, Colorado. Prior to and during the RARE II program and many times thereafter, they have informed congressional representatives that there is already more than enough land designated as wilderness in and adjacent to Jackson County. This position has not changed.

The residents and local economy are directly and adversely impacted by continued wilderness designation as more timbered lands become unavailable to the local timber industry and as additional local tax dollars are required to defend existing vital water rights that may be jeopardized by wilderness designation. We were even provided with additional designated wilderness in Jackson County, courtesy of another state when a 700-acre strip along the North

Platte River in Colorado was included in the Wyoming Wilderness Bill.

Now an additional 36,000 acres known as the Davis Peak Addition to the existing Mount Zirkel Wilderness is being proposed. Approximately 24,675 acres of this proposed addition are located within Jackson County. All recent proposed boundaries for the Davis Peak Addition go far beyond the original boundaries of the Davis Peak Further Planning Area established by Congress and subsequently recommended for inclusion by the U.S. Forest Service.

Apparently, each proposer of a boundary feels that he has more extensive knowledge of the actual ground conditions than the U.S. Forest Service personnel who have firsthand knowledge of the area. The proposed boundaries contained in S. 1343 enclose clearcut areas with Jeep roads crossing the terrain and a developed water supply system for the Big Creek Lakes National Forest Campground. Evidently, this area can still be considered unspoiled, untrammeled land with the physical evidence of man, because the Jeep roads can be discounted as they can be reclassified under the double standard as ways, but to the best of our knowledge there has not been a double standard developed that will provide means to overlook clear cuts and developed water systems.

Because of the potential adverse economic impacts associated with wilderness designation, Jackson County residents contend that the Davis Peak Addition does not have unspoiled, unique wilderness attributes. Since the Davis Peak area now provides for dispersed motorized recreation, we strongly urge you to exclude all of it from any new Colorado wilderness legislation.

We are well aware of the extensive negotiations and hard work of the Colorado Water Rights Negotiating Team in developing settlement principles which would allow Colorado to designate additional wilderness but would at the same time preserve our ability to develop and manage our water resources. We are in basic agreement with the settlement principles; however, we cannot agree nor do we support the inclusion and designation of the Davis Peak Addition to the Mount Zirkel wilderness as a portion of the approximately 750,000 acres proposed for additional high altitude headwater wilderness.

Because of the Sierra Club lawsuit asserting the creation of Federal water rights in the designation of wilderness and Judge Kane's decision, it is imperative that water rights for wilderness areas be very specifically worded so as not to be destructive for Colorado's long term established water rights system.

Such headwater wilderness designations must be derived form a bona fide congressional determination that Colorado's present and future needs for water for its economic health and sustenance are not and will not be impaired by downstream wilderness designations.

Any water rights for designated headwater wilderness areas should be quantified and adjudicated in the courts of the State of Colorado using the quantification standard employed by the Colorado Water Conservation Board Instream Flow Program or the quantification standard adopted by the U.S. Supreme Court in the New Mexico case.

Any such headwater reserved rights should have a reservation date as the date of the wilderness legislation as enacted, and these rights should be subject to the presidential authority of the Wilderness Act to allow the construction of additional water facilities to make additional water withdrawals from wilderness areas in the future.

Congressional legislation that could create express reserved water rights for headwater wilderness areas must be expressly worded so as not to create any type of precedent suggesting Federal water rights for downstream nonheadwater areas where portions of the stream above the areas flow through non-Federal land or Federal land which has not been designated as wilderness.

As wilderness areas are created downstream from the headwaters, problems compound, and the impacts become increasingly more severe. Reserved water rights for the nonheadwater downstream wilderness areas would significantly limit Colorado's ability to develop the new water supplies, administer existing water diversions, and manage effectively Colorado water resources through trade exchanges.

Nonheadwater downstream Federal wilderness water rights could call vital water past communities, commercial developments and agricultural operations upstream from wilderness areas. This would severely hamper local areas and the state from diversifying their economic base and future needs. Downstream nonheadwater wilderness areas with reserved water rights would also severely impact interstate water compacts and equitable apportionment entitlement.

Jackson County now has the dubious distinction of having the only downstream wilderness area in the State of Colorado, the North Platte Wilderness. A Federal reserved water right for this nonheadwater wilderness would be devastating to our local area and could stop any future development or use of water apportioned to Colorado as the result of past expensive litigation with the States of Nebraska and Wyoming.

The only way Colorado can accomplish the use and development of all waters to which it is entitled under the equitable apportionment decrees of the Supreme Court for the North Platte is to disclaim any intention to create a Federal wilderness water right for this downstream or to remove the Colorado portion of the North Platte wilderness from wilderness status. Any new Colorado wilderness legislation must specifically and clearly state that there are no implied express water rights for wilderness purposes attached to the waters of the North Platte River within Colorado.

Thank you, Senator, for the opportunity to be here today.

Senator WIRTH. Mr. Trick, thank you very much for joining us.

Our fourth witness is Ms. Maggie Fox, the Director of the Sierra Club Southwest Regional Office.

STATEMENT OF MAGGIE FOX, DIRECTOR, SIERRA CLUB SOUTHWEST REGIONAL OFFICE

Ms. FOX. Thank you, Senator Wirth. We appreciate the opportunity to be here to testify for the first time in about five years on a Colorado wilderness bill. People in the audience might remember that in 1985 we had an opportunity in the United States Congress to testify on what was called a wilderness bill but which had only water rights language in it and no wilderness.

We would like to thank you for your leadership in introducing this wilderness bill, and we would like to join with former Congressman Strang in supporting this compromise proposal that designates both high elevation wilderness and then mandates a very important study process for looking at the potential conflicts over future designations of downstream areas.

The Sierra Club supports your leadership, the kind of leadership that recognizes the importance of protecting our unique wilderness heritage in this state and also connects the strong value-supported dollars of recreational tourism in Colorado's economy.

We also want to recognize for a moment that you have been under a great deal of criticism, Senator Wirth, for introducing this bill, for stepping out and introducing legislation when there had been no compromise worked out by Colorado conservationists and water developers. We would like to comment on that because we think there has been a little misunderstanding. We want to broaden the picture a little. The same leadership that has you working very hard to get money in this state for the Animus Lepoda Project, which is not a project that Colorado conservationists have supported as a total community, and has brought money into the state for Fountain Creek and has brought money into the state for Colorado's Big Thompson Project, among many other water development projects in this state, we think is important.

We also think that leadership is important in terms of wilderness. We recognize the balance of your leadership, and we want to note that today.

I want to put this bill in the context of the national legislative picture. It is very important for Colorado folks to recognize that in 1980 when we had our first really big wilderness bill that Colorado was seen as a leader in resolving wilderness conflicts. At that time the big conflicts were over grazing and in release language. Colorado led all of the other western states in working out compromise language on those issues.

When the water rights conflicts arose, many of the other western states also look to Colorado and to conservationists here and to water development interests here to work out the compromise, but they have ceased to wait. In fact, they ceased to wait as early as 1984.

When our legislation did not pass in 1984, Senator Malcolm Wallop moved a Wyoming wilderness bill because he recognized that putting in a bill with high altitude wilderness areas did not in any way affect downstream appropriators. He moved ahead and included the North Platte Wilderness Area, a piece of which is in Colorado and about which Mr. Trick testified this morning.

After 1984 we did wait for a couple of years because, as I said, other western states were waiting for Colorado to work out our problems, which we have not done to date.

In 1987, the beginning of the cavalcade of bills started to move with New Mexico in an area called El Malpais in which not only wilderness designation was included but a national monument and a national conservation area with express water rights language. The Malpais is a downstream area.

Then came Arizona with the San Pedro Riperian National Conservation Area, the first of its kind with express water rights language and recognizing for the first time before the United States Congress a very special relationship between ground water and surface water.

The Arizona delegation is currently hard at work and close to resolving an Arizona BLM wilderness bill for the entire state, the vast majority of the areas of which are downstream.

We are discussing water rights language on a case-by-case, stream-by-stream, area-by-area basis.

Montana passed a long-awaited wilderness bill which was later vetoed by President Reagan for different reasons.

Oregon passed an omnibus rivers bill with express water rights language.

Most recently, Nevada, which has never had a wilderness bill, unlike the State of Colorado, passed a bill out of the Senate with express water rights language that conservationists and water development interests in Nevada support.

Where does that leave Colorado? In need of supporting S. 1343, we would say, and in need of moving forward. Colorado wilderness supporters recognize and respect the issues that have been raised in the context of the negotiations that have occurred for nearly 2 years over water rights issues in Coloradan wilderness.

We understand the concern that water development interests have over future development. We have been, continue to be and will be in the future ready to work on those issues on a case-by-case basis.

I would like to take a few seconds to reiterate the commitment of the Colorado conservation community and the Sierra Club in particular. We believe that wilderness reserve rights do fit into the existing system, do respect existing rights, and can be balanced so that Colorado can continue to grow.

We believe that in the case of future downstream areas there will need to be a balance, and we are ready to do that. We are not ready to wipe out water rights for all future areas on a broad brushstroke basis for no reason other than paranoia.

We understand that interstate compacts and equitable apportionment decrees are very serious, and we take them seriously. We have conceded in the past that wilderness areas on state lines will not call for more water than that, and we will continue to do that in the future.

Thank you.

Senator WIRTH. Thank you very much, Ms. Fox.

Our next witness is Mr. Greg Hobbs, partner at Davis, Graham & Stubbs and counsel for the Northern Colorado Water Conservancy District.

STATEMENT OF GREGORY J. HOBBS, JR., MEMBER, WATER RIGHTS NEGOTIATING TEAM, ON BEHALF OF COLORADO WATER CONGRESS, COLORADO ASSOCIATION OF COMMERCE AND INDUSTRY, AND NORTHERN COLORADO WATER CONSERVANCY DISTRICT

Mr. HOBBS. Thank you very much. I had hoped to be able to appear in this round of hearings along with my colleague, Maggie Fox, as we did in the Poudre Wild and Scenic River designation and stand and support arm in arm for a significant piece of environmental and water legislation for the State of Colorado.

I represent today the Colorado Water Congress, the Colorado Association of Commerce and Industry, and the Northern Colorado Conservancy District as a member of the Water Rights Negotiating Team appointed by you and Senator Armstrong.

I cannot support the bill in its present wording. I underscore the term "in its present wording." However, we have spent a long time together, those who you see at the table today and eight others, and I think there is more progress that could be made.

Now unfortunately, the bill as presently written, particularly the finding section, would in my opinion devastate the Tenth Circuit Court of Appeal appeal that is presently pending which legitimately contests the Sierra Club's notion of what the 1964 Act provided. I believe your bill would do just fine without those findings. Those findings would, in essence, create, in my opinion, by force of this new legislation interpreting the 1964 Act implied reserved water rights for the existing 24 wilderness areas because of the way it is framed.

We need a fair shot before the Tenth Circuit and the United States Supreme Court to disagree respectfully with the Sierra Club's position. For 20 years wilderness was created in this state and throughout the United States without the water rights issue being in dispute. It was not until the Sierra Club, 20 years after passage of the Act, raised the water rights issue.

It is not paranoia, Maggie. It is a reaction to the lawsuit that we have had to contest as municipalities, farmers and businesses, conservancy districts and conservation districts in the State of Colorado.

I respectfully submit, Senator Wirth, if we can deal with new wilderness additions only unclouded by these kinds of findings, we will start down the road towards the compromise which I know you want.

Also, I would point out and respectfully submit to you again the testimony of Mr. Getches which are familiar with in 1986 before the Public Lands Subcommittee. You sat in on that hearing. It extolled the virtues of Colorado's Instream Flow Program, which is an excellent program. Remember, the state is with the Water Congress opposing implied reserve water rights for the existing wilderness areas in the Tenth Circuit case.

Mr. Getches, speaking for the State of Colorado at that time, said the Instream Flow Program could provide the water necessary for wilderness together with the tough access restrictions of the Wilderness Act. I again commend that piece of testimony because it was a balanced piece of testimony going to serving all diverse Colorado interests as you consider the issues.

Now, Mr. Getches did say that an alternative to Colorado's Instream Flow Program was a Federal reserve water right in the headwaters. I urge that the Presidential authorization provision of the 1964 Act be carried over so that in the event of drought emergency or other public need, despite the creation of a Federal reserve water right, it would be possible for the President to authorize additional temporary or emergency withdrawals.

It is also very important that we reaffirm the intent of Congress to provide reasonable access for the maintenance, operation and repair of those water facilities that exist in wilderness.

Finally, I do believe it is absolutely necessary to protect our interstate water compact and equitable apportionment decrees and that we not create Federal water rights particularly down near the State line in any form whatsoever. Leave that, if you would, to the Colorado Water Conservation Board's Instream Flow Program and to the deliveries that must be made across state line under interstate water compacts and equitable apportionment decrees.

These downstream wilderness areas will not and cannot be dried up under the law of the river because we have certain interstate delivery obligations which must be made in any event.

Finally, I was struck by Congressman Skaggs 'very statesmanlike testimony regarding alternatives, and I would pledge on behalf of the Water Congress Northern District and the Colorado Association of Commerce and Industry to work further with you, Senator Armstrong, and the other members of the Colorado delegation in trying to craft a bill that serves all of diverse Colorado interests.

Thank you.

Senator WIRTH. Thank you very much, Mr. Hobbs.

Our sixth witness is Mr. Glen Porzak. He is a partner in the law firm of Holme Roberts & Owen and practices water law and represents a number of municipalities and ski areas.

Mr. PORZAK.

STATEMENT OF GLENN PORZAK, PRESIDENT, AMERICAN ALPINE CLUB, PAST-PRESIDENT, COLORADO MOUNTAIN CLUB

Mr. PORZAK. Yes. Thank you, Senator. I am past president of the Colorado Mountain Club and represented the Mountain Club on the negotiations.

You had indicated that for now some 16 years, I have been a practicing water attorney. In that regard, I have represented numerous mining companies, ranchers, farmers, developers, over a dozen municipalities, water districts and counties both on the east and west slope of Colorado. And a number of our state's largest ski areas, which, of course, is our largest industry on the west slope.

Based on that background, I have analyzed your bill, and I have come to the following conclusions.

First, with the exception of one water right on Service Creek, the owner of which supports your bill, the area boundaries have been drawn in such a manner that there are no upstream or downstream water rights which can be affected.

All conflicts with such Colorado water rights have been eliminated by your bill.

Second, your bill does not adversely affect any existing water rights located within any designated wilderness areas. To the contrary, your bill expressly protects those water rights.

And, Sam, I am not sure which bill you have been reading. But, third, the wilderness area boundaries are drawn in such a manner that no changes of water rights, augmentation plans, exchanges, or any kind of water application, can be adversely affected. Plain logic dictates that, given the boundaries that you have crafted.

Fourth, your bill combines federal reserve right principles with Colorado water law. And it is particularly to be commended in this regard. Only that amount of water required to fulfill the wilderness purposes of the act is reserved. And such reserve water must be quantified by the Colorado water court.

Moreover, the reserved wilderness water has a priority date junior to all existing decreed water rights.

Fifth, and perhaps most important and, I think, something that is lost in all the rhetoric, is that by protecting clean water in the headwater's regions, your bill benefits Colorado water rights, existing Colorado water rights, and preserves water for future appropriators.

Your bill is, in fact, a water positive bill. And that should not be forgotten.

Sixth, the bill does not modify or alter any interstate water compact. And it, indeed, eliminates a potential compact interference with the existing North Platte wilderness area, which is the problem that Mr. Trick noted in his testimony. Your bill solves potential conflict.

Lastly, your bill expressly states that it does not create any precedent for federal reserve water rights in future downstream wilderness areas. I do not know how you could go any further in eliminating a potential conflict, or concerns that people have raised.

You know, in Colorado water law, there is a fundamental principle. Anybody can come in and initiate a file on a water right, even the Federal Government. And anyone can come in and oppose that filing. But if they come in, they have to show specific injury to a specific water right. They are out of court very quickly, if all they are alleging is some mere potentiality of injury.

I submit that when the preservation of so important a natural resource as our few remaining wilderness areas is at stake, those who oppose your bill should be held to the same standard. They ought to be prepared to come in and identify a specific water right, specific injury by this specific bill.

I submit they cannot do that, because your bill protects the wilderness values of the designated areas without adversely affecting any Colorado water rights.

Thank you.

Senator WIRTH. Thank you very much, Mr. Porzak.

Our seventh witness is Mr. Harold E. Miskel, chairman of the Colorado Water Congress' Reserve Water Rights Committee, and assistant director of the Water Utilities Department in Colorado

Springs—and the gentleman who has been leading the opposition state-wide to the legislation before us today.

Mr. MISKEL.

STATEMENT OF HAROLD E. MISKEL, ON BEHALF OF THE MUNICIPAL WATER SUPPLIERS OF COLORADO

Mr. MISKEL. Thank you, Senator, for giving me the opportunity to speak this morning.

For the record, my name is Harold Miskel. The testimony I am giving here today is on behalf of the Municipal Water Suppliers of Colorado.

The entities that I specifically represent on the wilderness water rights negotiating team are the Denver Metropolitan Water Providers, Metropolitan Denver Water Authority, Cities of Colorado Springs and Aurora, the Pueblo Board of Waterworks, and the Southeastern Colorado Water Conservancy District.

All together, these agencies supply irrigation water to over 200,000 acres of land and municipal water to 1.5 million citizens of Colorado.

The issue before us today is the economic future of Colorado and of the West. The question before us is one of water rights for wilderness. And, whether the designation of wilderness with water rights will lock up the future of Colorado by preventing the continued management of our water resources.

The entities I represent are charged with a tremendous responsibility of providing an adequate, reliable water supply to the majority of the population of our state, both now and in the future. They are not a group of developers recklessly speculating in water.

This is a great responsibility, and it is not taken lightly. We have already seen how the presence of a wilderness water right can disrupt and frustrate the management of our water resources in the experience of the Homestake water project, where the development of that project was congressionally authorized to proceed within the Holy Cross wilderness when the Colorado Wilderness Act of 1980 was passed.

Yet, in litigation filed by the Colorado Mountain Club and the Holy Cross Wilderness Defense Fund, the claim of injury to alleged wilderness water rights has delayed that project for many years.

The Holy Cross wilderness is a high elevation, mostly headwaters area. The designation of wilderness in downstream areas, especially if such wilderness is to have water rights tremendously increases the scope and the severity of these impacts and interferences.

Make no mistake about the fact that downstream wilderness and the problem with wilderness water rights is associated, or is with us today. BLM is presently studying over 800,000 acres of BLM lands, mostly in downstream non-headwaters areas for possible wilderness designation.

The National Public Lands advisory council has recognized the problem, and has advised BLM to avoid water rights in these downstream areas. Also, in a recent issue of the Sierra Club magazine, September/October issue, there was an article by Charles Wilkinson, who said, the best way to guarantee wilderness water rights is for Congress to demand them when it designates a wilderness.

This can be especially important in low-lying wilderness areas. Over the next several years, Congress will be considering proposals for official wilderness on BLM lands, most of which are at low elevations. So far the agency has identified about 10 million acres that Congress ought to declare as wilderness. Conservationists will press for many millions more.

And, in a letter I received from the head of the Wilderness Society very recently in which she talked about wilderness objectives for Colorado, it stated, at issue is whether wilderness has a right to water, or whether water can be siphoned off for commercial use before it ever reaches a wilderness boundary.

Clearly, the issue before us is one of downstream wilderness. We must deal with this problem now. It will not go away simply by addressing only headwaters areas.

In our zeal to preserve public lands as wilderness, we absolutely cannot destroy our own future by locking up future opportunities to properly manage our water resources. So, what we must strive for is balance.

Balance which preserves some of our public land as wilderness and manages other lands in more traditional ways, which recognizes the value of our water to our economy and to our human needs. Such a balance has been developed by the Colorado water rights negotiating team, and is included in my written testimony.

The principles of this balance call for more wilderness in Colorado, grant expressed federal water rights for such wilderness, but also contains language which protect existing water rights and entitlements and preserve future opportunity to affectively manage the resource.

These principles are also presented in my written testimony. They have been endorsed by numerous entities within Colorado, including various cities, counties, water districts, and companies, agricultural organizations and others, including the Colorado Association for Commerce and Industry.

The list of those supporting those principles are not included in my written testimony, which was previously submitted. And, therefore, I would like to submit that list for the record at this time. Here is 10 copies.

Senator Wirth. It will be included in full in record.

Thank you, Mr. Miskel.

Our final witness in the water panel is Mr. Barney White, a Denver water lawyer, practicing with Brownstein Hyatt Farber & Madden and who, with Mr. Hobbs, I believe, negotiated the legislation on the Poudre River that in that wild and scenic bill did, as I understand it, included an expressed reserved water right.

And that, in fact, that was also a downstream water right, I believe.

Mr. White.

STATEMENT OF BARNEY WHITE, ATTORNEY, BROWNSTEIN HYATT FARBER & MADDEN, DENVER, CO

Mr. White. Thank you very much, Senator Wirth. I appreciate the opportunity to testify, and especially the opportunity to bat clean-up on this panel, and comment on some of the remarks made by my predecessors.

As you indicated, I have been involved in wilderness legislation in the past. I have had the pleasure of successfully negotiating the Poudre River compromise. I have served for the last two years on the water negotiating team, and think we came very close to negotiating a compromise. And it is my hope that we can reach one here in the near future.

I would like to comment first on the reasons why some members of the water development community are opposing your bill. These are my observations from several years of negotiating with them. And, I think, some of these reasons have become apparent today.

Initially, there was a very pragmatic response to the concept of wilderness water rights. It was a concern that existing water users be protected, and that they not suffer in the priority or amount or flexibility of the use of their water rights, because of wilderness designation.

We spent a lot of time negotiating on those issues. And I think, as Governor Romer indicated and as Glenn Porzak indicated, your bill has resolved those concerns. And we have profited from the negotiations, although we did not reach a final compromise, because we were able to identify those concerns and deal with them as you have done. And I commend you for crafting a bill which has exceeded the real pragmatic concerns of water users.

The second reason that I see for much of the opposition to the bill is harder to deal with. It is more of an emotional response. It is a states' rights attitude, a sagebrush rebellion type of approach toward federal legislation. People who have this sentiment, and sometimes I have to confess, I do too, distrust the Federal Government and its power over the public lands.

We see in some of the testimony today a feeling that the states should regulate the in-stream flows within wilderness areas and not the Federal Government, that the Colorado Water Conversation Board program is adequate to do the job.

If Colorado had an in-stream flow program that was sensitive to wilderness values that might be the case. Unfortunately, the standard that is used by the Conservation Board only appropriates the minimum amount of water necessary to ensure the survival of a cold water fishery and completely ignores other values, which wilderness presents, and the values which are so important to all of us.

In the face of the limitations on that state law, I think that the United States Government has no choice but to enact federal legislation and to provide a standard for wilderness water, which will do the job.

The third sentiment that we have seen today is simply anti-wilderness. Mr. Trick, I think, spent most of his statement expressing essentially an anti-wilderness viewpoint. There is not much we can do about that, if we are going to designate wilderness other than accommodate whatever pragmatic concerns may exist. And I think at the boundary adjustments you have made to your bill, you have done that.

The fourth basis for opposition, I think, is a tactical response, looking not to the 750,000 acres or 800,000 acres in this bill, but at past wilderness designations and future wilderness designations.

Mr. Hobbs has made it very clear that he is concerned about the pending litigation in the Tenth Circuit about wilderness areas designated in 1964 and 1980. I think that that is perhaps a legitimate concern, but it is one that your bill has resolved.

As Mr. Porzak said, you have expressly said that this bill will not be a precedent for the interpretation of any other wilderness legislation, past or future.

This bill is designed not to give an advantage to either side in that pending litigation. It is designed not to give an advantage to either side in interpreting whether the Holy Cross wilderness area has infringed on water rights of some of Mr. Miskel's clients. Indeed, the bill reaffirms the language in the 1980 act, which was put in at the insistence of those water developers.

More troubling, I think, is the tactical response aimed at future wilderness legislation for downstream areas. And that, I think, is a battle that is best fought later. As Governor Romer indicated, and I support his view, that is a very difficult issue, which will take a lot of hard work. And we are simply not going to be able to get that done in time to protect the headwaters areas that are in this bill.

Fifth, and perhaps most troubling, is a certain amount of misunderstanding and misinformation about what is in your bill. And I have been troubled by some of the literature that some elements of the water development community have been putting out about the bill.

Mr. Hobbs, and although I greatly respect his abilities, has written a memorandum which my written testimony will analyze, which I think unfairly characterizes the provisions of the bill, creates needless confusion, and perhaps, has contributed to some of the opposition that you may see here today.

I would urge everyone in this room to focus on the language of the bill, recognize that the problems have been resolved, that there are no conflicts in water rights, and save the more difficult fight for a later day.

Thank you very much.

Senator WIRTH. Thank you very much, Mr. White.

We have heard eight, I think, very constructive and some eloquent statements on the water issues. Perhaps we could ask all of our panelists to join us.

We would like to see if we can get a little bit of a round table going here.

First of all, let me ask, just taking it from the top, those of you who started and heard things that came up later, that you would like to comment on, that you thought were inaccurate, or deserve a greater emphasis or whatever.

Sam, we might start with you.

Mr. MAYNES. Well, let me state, Senator, that with regard to Mr. White's comments and Mr. Porzak's comments, I am certainly glad they do not a wear black robe, because they were making judicial pronouncements about the intent of this bill, as all good lawyers do. Everybody is entitled to their own opinion. They have theirs, and I have mine.

And with regard to the issue, that we ought to wait to decide this downstream wilderness issue, I kind of view that like I do global warming. I think the water rights concern is like the people who are currently worried about global warming. We know downstream wilderness areas are going to be proposed. And we had better try to get ready to do something about it. And we ought to do it now, and not in the future. The future may be too late.

Senator WIRTH. Let my just run through and make sure that nobody had their toes stepped or felt something was said that was not fair.

David Getches.

Mr. GETCHES. Thank you, Mr. Chairman.

In regards to Mr. Hobbs' comment about my testimony before the committee some years ago, indicating that a possible approach to dealing with the downstream areas would be to utilize the Colorado Water Conservation Board in-stream flow program.

That is a position I would take again today, if I were testifying about the downstream wilderness areas. That would be an option I would urge to be considered. I urge them that the CWCB be given the first shot with the ability of the federal agency to come in and claim additional water, if CWCB were not enough.

But the point here is that we should not be dealing with those issues now. What we are hearing, requested by the testimony of Mr. Miskel and others, is a trump card—a trump card to play against the creation of any water rights in any future wilderness areas in Colorado.

That is not an issue we have to face now, any more than we have to face the issue of Indian reserved water rights or capital gains or abortion funding.

Senator WIRTH. Let me run through. You all do not have to comment, if you do not want to. I mean I am not urging you to do so. I have a number of questions that I want to ask, but I just want to make sure that everybody felt that they were being treated fairly in the statements.

Mr. Trick.

Mr. TRICK. I do not have any comment at this point.

Senator WIRTH. Our gratitude is overwhelming. [Laughter.]

Ms. Fox.

Ms. FOX. I would just agree with Mr. Maynes that we are concerned about global warming. But I want to be informed about our decisions on global warming issues, and I want to be informed about our decisions on downstream wilderness.

We proposed to Mr. Maynes some specific over the Piedra, which is made a mandated study area under your legislation to please give us some legislation about future water conflicts in that water area.

And to date, he and his constituents have not been able to do that. How could we possibly make a decision.

Senator WIRTH. Mr. Hobbs.

Mr. HOBBS. Thank you. I must respond to Mr. White.

I have spent almost 20 years as a career reading legislative language. And I do have some level of paranoia. However, I want to point to the two most egregious findings here that I do not think are necessary.

The first is 201A1, where existing wilderness waters vital to those natural values and recreation uses that wilderness is defined by the act, in the Wilderness Act. That is a finding about the 1964 Wilderness Act that is very much at issue in the Tenth Circuit lawsuit. This does not go just to this act, it goes to the Wilderness Act.

The other provision, Senator Wirth, if I may draw your attention to it, is subparagraph 6, page 8, the express reservation water for areas designated by this act is in lieu of the right that would otherwise be reserved by implication when areas are included in national wilderness preservation system—again, a gratuitous finding that the 1964 Act contains implied reserved water rights.

And I believe that is a common sense analysis of that language. And that language is not necessary to accomplish what I heard that you wanted to accomplish with respect to headwaters issues.

Thank you.

Senator WIRTH. While we are right here on this subject, I think, there is finding section that you find a problem and others do not.

I have written a lot of legislation in my life. And one always puts in what the intent of the legislation is. And on page 9 of the legislation, the legislation reads, "this act is not intended to determine the existence or scope of any express or implied reserved water rights created in or arising from other federal legislation."

We are saying that very explicitly at lines 7 through 10 to get exactly to the question—you and I have talked about this before—to get exactly to the question that you have raised.

Now, if there is a way in which that language could be changed to meet your problems, I would be very happy to do it. We are not intending to reach to any other pieces of wilderness bill, or wilderness act, or whatever it may be.

The intent is to focus only on the upstream headwaters wilderness area found in this piece of legislation.

Mr. HOBBS. Well, if that is your intent, this bill does not do it in my estimation. I will be glad to submit language that would do what you just stated.

Secondly, I feel like the Giants up to bat here in the fourth game. The water users did not create this controversy. The Sierra Club filed the lawsuit. We have been on the defense of ever since.

Senator WIRTH. Well, I would also add to that for the purpose of those who may not know. This has been going since the early 20th century, since the Winters Doctrine and the Indians.

And this has been raging for a long time. It is not that we have created this problem in this piece of legislation. It has been around, as you know, Greg, for a long time.

Mr. Porzak.

Mr. PORZAK. Yes. I would just comment that the water developers' response to global warming has been to destroy the globe. Their absolute precondition to an upstream bill has been the concession that there be absolutely no water rights associated with downstream areas.

Senator WIRTH. Mr. Miskel.

Mr. MISKEL. I would merely like to reiterate that I do think that this is a problem that faces us today, that needs to be dealt with today.

Those of us that are in the business of attempting to plan for future water supplies to meet impending growth need to have some resolution of this uncertainty. It is difficult of us to plan. It is difficult for us to even count on adequate financing for water projects in the future, if we have no idea what is in store with regard to downstream wilderness water rights.

As I previously testified, I do not think there is any doubt. I do not think anyone on this panel can deny that there is definitely an intent by the environmental preservationist organizations and others, to have downstream wilderness in Colorado, and to have water rights associated with it.

And, so I think, if we are going to pass any legislation, that for the first time in our state, grants water rights to wilderness, then this particular problem with the downstream areas absolutely has to be addressed.

Senator WIRTH. I think Mr. Miskel has really put his finger on the nub of the issue facing us.

There is an awful lot of lightning and smoke and nonsense surrounding other debates. But you have put your finger right on it. And I want to end up with that and come back to that, if I might.

Let me ask Mr. White, if he has any comments, as the clean-up hitter, maybe you are the Giants.

Mr. WHITE. Senator, I would like to help anyway I can and try to work out some findings language that would be acceptable to the other members of this panel based upon Greg's remarks. Maybe we are closer than we thought.

I think we could work on the findings language.

Senator WIRTH. Let me formally request on behalf of the committee that you and Greg get together and see if you can. We want to set aside, it is not my intent, and it is certainly not the committee's intent to reach into the wilderness bill or to reach into previous pieces of legislation.

And we have not done that. We have been very careful not do it. If our language, Greg, does that, then we ought to know about it. And we ought to change that language.

And let me request the two of you, if you would, as both good lawyers. And you have worked out the Poudre compromise. Why do you not work out the Tenth Circuit court nonprecedent-setting compromise for us.

Will you do that?

Mr. WHITE. I would be glad to work with Greg or anyone else.

Senator WIRTH. Let me go through another few issues, and I want to end up with the issue Mr. Miskel talked about.

First of all, there are a few left who say no more wilderness. And that is a perfectly legitimate position for people to take; they just do not want any more wilderness. I think we have gone past that point, probably. With all due apologies, Mr. Trick, I think we have gone past that point.

The question is not, will there be wilderness? There will be. The question is how are we going to resolve the water issues surrounding them, and go through the boundary issues, which are probably relatively simple, once we get over the boundary question.

I thought the Grand Junction Sentinel, in an editorial in September, said it very nicely. It may be that there are those who do not want any more new wilderness ever designated in Colorado. That is a defensible position over which reasonable people can disagree. But such a position should be argued for the position that it is, instead of under a steady stream of irrelevant water right subterfuge.

That is a perfectly reasonable position, saying no more wilderness. But I think we are beyond that, and I will include in the record that editorial from the Sentinel at this point, which I thought stated it very well.

[The article referred to follows:]

[From the Daily Sentinel, Sept. 3, 1989]

Wilderness Stall

Anyone who has hiked or ridden up to the alpine tundra rooftop of Colorado's vast Weminuche Wilderness Area in the San Juan Mountains and stared at the vaulting Grenadier Range across a seemingly bottomless canyon surely can understand why Congress passed the 1964 Wilderness Act a quarter of a century ago this weekend. Such places, like great music and literature, are literally capable of uplifting the soul of mankind.

The eye-level vista of the Grenadiers, whose inspiring scope is similar to that of the Grand Tetons in Wyoming, is not the only spiritually transcendent wilderness vista in Colorado. Just like a handful of other very special places—ranging in location from the Flat Tops Wilderness Area, to the Snowmass-Maroon Bells Wilderness Area, to the Eagles Nest Wilderness Area—the Grenadiers give real content and meaning to the value of wilderness.

Doubtless there are very few places left in Colorado that are as worthy of wilderness designation as the Grenadiers. But there are certain to be some.

Unfortunately, the debate over what deserves to be designated new Colorado wilderness and what does not isn't being heard in this state because of an interminable controversy over the bogus issue of reserved wilderness water rights.

Last week, former 3rd District Rep. Mike Strang attempted to move the long-stalled wilderness debate off dead center by surprisingly backing Democratic Sen. Tim Wirth and the water language of Wirth's wilderness bill. In short, Wirth's bill specifies that wilderness water right holders must get in line for a water decree in state water courts, just like everyone else. The practical effect of Wirth's language is to resolve the highly controversial reserved wilderness water rights issue by transforming it into an issue of appropriative water rights.

In supporting Wirth's language, however, Strang attacked the wrong target. Strang, a likely candidate to seek his old congressional seat, slammed Rep. Ben Nighthorse Campbell for sitting on the sidelines, twiddling his thumbs, content to let Wirth and Sen. Bill Armstrong lob rhetorical hand grenades back and forth at one another.

Strang's targeting Campbell for criticism made sense from the standpoint of partisan politics. From a practical standpoint, however, he should have singled out Armstrong, not Campbell, for his criticism.

It's Armstrong who has agreed to support the demand of the Colorado Water Congress that any new wilderness bill must include language that specifically prohibits granting any federal water rights to future downstream, Bureau of Land Management wilderness areas.

The issue of BLM wilderness is extraneous to the current debate over U.S. Forest Service wilderness lands. As Strang says, issues of federal water rights on future BLM wilderness areas can be dealt with when they arise.

To make potential BLM wilderness areas part of the current debate makes no sense—unless, of course, the intent of Armstrong is to ensure that no new wilderness is ever designated in Colorado.

That's a defensible position over which reasonable people can disagree. But such a position should be argued for the position that it is, instead of under a steady stream of irrelevant water rights subterfuge.

Senator WIRTH. Let me jump on to another issue that has been raised, and that is the timber issue. We had some testimony last week in Glenwood Springs, and we have heard from some individuals that we are going to do absolute devastation to the timber industry in the State of Colorado. Let me just state for the record a few facts.

We now have, according to the U.S. Forest Service, 2,060 jobs in the State of Colorado that are related to timber harvesting of the National Forest, and timber-related expenditures by the U.S. Forest Service in the State of Colorado.

According to 1989 Forest Service statistics, there are 3.2 million acres of timber suitable for harvest in the National Forest in the State of Colorado. Only 118,000 acres out of 318 is located on our proposed wilderness areas. And we have subsequently heard testimony from the Forest Service, and an analysis from the General Accounting Office, that that figure is probably very much higher in their estimates than in reality.

In other words, they are saying that of the 3.2 million acres, at best, 118,000 acres may be suitable for timber.

So I think, looking at those numbers, I would like to set aside as well the timber argument. There are those in the timber industry with legitimate concerns about the future of that industry. But most of the lands here are not suitable for timber; a very, very small quantity is. And the comparison of the lands in this bill, versus the other lands available for timbering in the State of Colorado, is a very tiny percentage.

I wanted, for the purposes of the record, to point that out.

Third, in the area of mining interests, the U.S. Forest Service and the U.S. Geological Survey have carefully examined these areas and have not found the areas proposed for wilderness to be suitable.

I remember the battle that we went through on Indian Peaks at the end of the 1970s. There was a great deal of concern at that time that in the Indian Peaks wilderness area, where there have been a lot of mining, that there were going to be potential areas there for future mining that we should be concerned about.

We again had the U.S. Geological Survey look at it very, very carefully, and came to a resolution, looking at those lands, that in fact there were no areas there that were suitable for economic mining. And ultimately that will, in this bill, win through.

You will be happy though, Mr. Trick, with everybody supporting it, that we finally got to that resolution, which I think you and I would like to do on this.

But again, to put that issue aside, a fourth issue has come up, which I would like to focus on briefly, and then come back to Mr. Trick's issue. A fourth issue was one that Mr. Hobbs mentioned, creating downstream issues at the border, downstream water rights problems at the border.

Let me ask you, first of all, in the legislation in front of us, S. 1343, are we creating any downstream water rights at the border—any downstream water wilderness issues at the border? Are there any wilderness issues at the border? Is there anything at the border that would create a border problem?

Mr. HOBBS. Okay, we are talking about an existing problem, and not a hypothetical problem.

Senator WIRTH. I am talking about what is in S. 1343.

Mr. HOBBS. In my opinion, if you look at page 10, lines 15 to 17, what the bill does, probably inadvertently, I do not know whether you intended this, it requires the United States to adjudicate a water right for the North Platte wilderness.

I submit that Mr. Trick and the North Platte ranchers are very concerned about putting another federal water right on top of the interstate delivery requirements under the Equitable Apportionment Decree between Colorado, Wyoming and Nebraska.

Senator WIRTH. For the record, the North Platte wilderness issue was not created in S. 1343, is that not correct?

Mr. HOBBS. That is absolutely right.

Senator WIRTH. It was created in the 1980 Wilderness Bill, is that not correct?

Mr. HOBBS. No, 1984.

Senator WIRTH. The Wyoming Wilderness Bill created that problem, and that problem was raised by the water rights communities and constituents that Mr. Trick well represents in the North Platte area. He brought that problem to us and said, can you work out that problem?

In the negotiations and discussions that we have had with all of you, and in a very lengthy way we have tried to develop language that solves that problem, so that you do not have what I think are some very legitimate concerns, Mr. Trick, we have attempted to do so.

The reason I am raising that at this point is if the language that is here, Greg, does not solve that North Platte problem, we would like to know about it. What we have attempted to do is, and I think it would be fair for you to say, that we have attempted to solve that problem not "to overlay another level of federal requirements" or whatever the language was.

And I think you would agree that we have attempted to solve that problem, is that not right?

Mr. HOBBS. That is correct.

Senator WIRTH. And if we have a problem with that language, and again I am trying to lay aside a lot of the straw men in this issue, please do not suggest that we have created a North Platte problem. Rather, we have attempted to solve a problem that was created in the Wyoming Wilderness Bill in 1984.

And again, let me ask you, for the purposes of our trying to refine this legislation, if you have problems with the language that is here, we would greatly appreciate your suggestions as to how we might go further in solving the North Platte problem. I think that that is a constructive way of going about it. And I would appreciate any input that you might have.

I do not know if others of you in the water legal business—I know Mr. Trick has some very legitimate concerns about what exists there. They are legitimate concerns; we recognize those. I do not know if any of the others of you here might like to again sit down with Greg and see if you could craft language that might do a better job of sorting out the North Platte problem.

Mr. Trick?

Mr. TRICK. Not being an attorney or anything like that, just addressing the thing in a simple rancher's attitude, just get rid of the North Platte wilderness.

Senator WIRTH. Well, I think, Mr. Trick, the answer to that, and if I might ask the audience again, you and I are the two non-lawyers engaging in this discussion now, and I guess we probably have different views of wilderness, but I think that is not a realistic approach to be taken. Rather, I would appreciate any of the other of you who would like to get together with Mr. Hobbs. Who are the North Platte? Glen, are you a North Platte water rights expert in this?

Mr. Porzak. Well, I have represented a number of parties.

Senator Wirth. Could I ask you if you would get together with Mr. Hobbs and see if, between the two of you, you might pulverize the North Platte problem and see if we can solve it, how is that? [Laughter.]

Again, I am trying to set aside the issues that I think are not central. I think the central issue that we face, and maybe there are other ones that I miss, I want to go back to the upstream/downstream issue and see if we can isolate that. That is the issue.

Let me ask you, first of all, before I go to that, are there other issues outstanding that are standing in the way of the resolution of the wilderness problem? I have tried to eliminate the no-more-wilderness argument. I mean the people will make that argument, but I think the world has gone by them. You know, the timber, the mining, the border issue, the 10th Circuit Court issue.

And I figure, Greg, you know you probably have got a dozen of them, do you, tell me what they are?

Mr. Hobbs. I love the brainstorming. We need that. That is the essence of the public policy debate. The presidential access authorization, for the first time in history, we would be creating an expressly reserved water right. It may be very important to drought-stricken communities.

Remember, we said on the Continental Divide we do get water from headwaters over the East Slope. Eighty percent of our water supply is from western Colorado; 80 percent of our need is in eastern Colorado. I believe we must make it clear that the presidential access provision allowing, in the case of drought emergency or other public need, a withdrawal, including a withdrawal out of reserved water right if necessary, is a very important safety valve that was built into the 1964 act.

So I believe we must focus on that, as well as a reasonable access to protect existing water facilities, so that we do not inadvertently, by new legislation, it goes to a new issue. The 1964 act never created an express water right. We have got to say in the bill what the act does or does not mean with respect to the access provision and the presidential authorization provision.

Ms. Fox. Senator Wirth, I would submit that Mr. Hobbs had his ears closed while I was testifying. This is not the first time that an expressed water right——

Senator Wirth. I am going to get to that in a minute. We will get to that issue. I would like to address the issue that Greg has just raised. Who has a comment on the issue?

Ms. Fox. That is what I was saying. He has said this was the first opportunity that we had to create an express water right. And I spent my entire testimony, in large part, referring to the eight to 10 other statutes that have express water rights.

Senator WIRTH. I realize that, but he is after some kind of problem of presidential entry at the time of drought. Is that a summary of the issue you are raising, Greg?

Mr. HOBBS. I would like to know from Ms. Fox whether her view is that when you express and reserve a water right in these new additions, that you allow the President to take water out of that wilderness area in the event of national public need under the 1964 Wilderness Act?

Ms. FOX. I do not think there is any difference in the effect of the presidential authorization, whether it is an express or an applied right. The fact of the presidential authorization under this 1964 act remains the same in our view, no matter whether the Congress chooses to make subsequent language express or not.

Mr. HOBBS. Then it ought to be possible, Senator Wirth, to clarify the intent of the bill, not to disturb the presidential access provision, that the President would not be prohibited in the additions from authorizing future water withdrawals.

Senator WIRTH. Pardon me for just a minute, Mr. Hobbs.

I hear what you are saying and I asked about that and I have got a ton of legal paper here, and I am trying to sort through where I thought we had worked on that.

Do any of the others of you want to comment on the record on the question that Mr. Hobbs is raising?

Mr. White.

Mr. WHITE. Senator, a brief comment. If I understand what Greg is saying, he is phrasing this in terms of an emergency or drought condition. That is not my reading of the existing presidential access provision of the 1964 Wilderness Act. It is much broader than that.

The problem with allowing access in a wilderness area in a drought condition is that the drought is going to be over by the time you get your project built and you get the water out of the wilderness area. What you will have done then is to pour a lot of concrete in a sensitive area, and then have it perhaps ready for the next drought.

That is not the best way that I can think of to plan for dry years to meet the water supply needs of municipalities. This is a very difficult issue. I would be happy to perhaps talk to Mr. Hobbs about it, but I am not as sanguine that we can resolve it as I am about some of the other problems that he has raised.

Senator WIRTH. Let me, if I might, and this is what I was looking for, the direct quote from the Wilderness Act of 1964, which says:

> Within wilderness areas in the National Forest, designated by this act, the President may, within a specific area, and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoir water conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in this specific area will better serve the interest of the United States and the people thereof than will its denial; and to the grazing of livestock that were established prior to the effective date of this act shall be permitted to continue, subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

Now it seems to me, as one who has been involved in the writing of legislation and the reading of legislation and the discussion of legislation now for 15 years, for the President to have the authority to say that he can opt to authorize such other facilities as he believes are needed in the public interest, you know, is about as broad a mandate as one can give to anybody. You know he defines the public interest and, go ahead and do it.

And if, in the public interest, there is a drought problem and the President sees that it is in the public interest to take that on, it seems to me that the President has every bit of authority under the Wilderness Act of 1964, the generic act, to do so.

Now, if there are other things that we have to do on that front, let me know, but we have not had to change that in 25 years in the wilderness bills being passed all across the country.

Now, if you believe that we have now a situation here that requires somehow in Colorado, in this wilderness bill, to change that enabling legislation, I would be surprised. But we ought to hear from you on that front. I mean that is the purpose of this, and I would certainly welcome your input on that.

Are there other issues, and I would ask everybody's patience on this, but I think as all of you have gathered, the really key issue that we are looking at here is the upstream/downstream issue.

[No response.]

Senator WIRTH. Okay, with that kind of silence, which is golden among a group of water attorneys, let me go on to this issue of upstream/downstream. And let me pick up, first of all, the statement that was made by Mr. Hobbs, "For the first time in history we are creating an expressed wilderness reserved water right." That was a quote just from you now Mr. Hobbs.

Mr. Maynes has earlier testified in a similar kind of a way, and you said, Mr. Maynes, "No previous wilderness legislation has expressly recognized a federal water right as an integral aspect of a wilderness area."

Now, those two are accurate quotes, are they not, Mr. Maynes and Mr. Hobbs?

Mr. HOBBS. I meant within Colorado in my testimony.

Senator WIRTH. That is not what you said. You said for the first time in history we are creating an express wilderness reserved water right.

Mr. HOBBS. I am not overlaying our Colorado doctrine. I was ad libbing. My statement earlier clearly says Colorado.

Senator WIRTH. Let me, if I am right, read some of the legislation that has been passed in other wilderness acts.

The Wyoming Wilderness Act passed in 1984, and I would note, for the record, passed with the joint sponsorship of Senator Wallop and Senator Simpson, and approved by then Congressman Cheney. The Wyoming delegation has three individuals, Malcolm Wallop, Alan Simpson, and then Congressman and now Secretary of Defense, Dick Cheney. It has in it very clearly a designation of a reserved water right. And I would like to have that entered in the record.

The 100th Congress, in 1988, the San Pedro National Conservation Area of BLM lands in Arizona set aside to preserve fauna and flora. Section 102(d):

> Congress reserves for the purpose of this reservation a quantity of water sufficient to fulfill the purposes of the San Pedro National Conservation Area created by this

> act. The priority date of such reserved rights shall be the date of enactment of this title. The Secretary shall file a claim for the quantification of such rights in an appropriate stream adjudication.

So it is done in Wyoming and done in Arizona.

In the El Malpais area in the 100th Congress, New Mexico in 1988:

> Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area and the wilderness areas are designated under this act.

The 1988 national parks in the State of Washington legislation, 100th Congress, designating wilderness:

> Subject to valid, existing rights within the areas designated as wilderness by this act, Congress hereby expressly reserves such water rights as necessary for the purposes for which such areas are so designated.

This year the Nevada Wilderness Bill, which is moving through the 101st Congress, says:

> Within the wilderness areas designated by this act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this act.

Now, the purpose of reading all of those into the record and making sure that we are all aware of that is to set aside—and again I am trying to note where the areas of differences are—to set aside the argument that somehow, were we to create a reserved water right for wilderness in the State of Colorado, we would be creating a very dangerous and egregious national precedent. That is simply not the case.

That precedent has been set for years and years and years. And in fact, I think one could make the argument on the other side that if we are concerned about precedence, we would be very dangerous in not going with the grain of all of the other bills that have been passed.

Now, does anybody have any debate with the fact that this is not the first time in history that we have created an expressed reserved water right; that that has been done in a whole variety of other states? Does anybody disagree with that?

[No response.]

Senator WIRTH. Nobody disagrees with that.

Second, is it therefore valid to say that having created that reserved water right in other states, that somehow by doing so in Colorado we are creating a dangerous precedent for national water law?

Now, how does that follow if it has been done in Arizona and New Mexico and Wyoming and Washington and Oregon, and is currently being done in Nevada, how are we creating a dangerous precedent? It seems to me that becomes the next question we face, and that is an important question because the issue of precedent has been brought up over and over and over again.

Now, maybe I could get answers as to how we are creating a precedent, because that is an important issue.

Mr. Hobbs.

Mr. HOBBS. I agree that other states have solved that kind of issue within their own construct. It depends where the reserved water right is placed on the stream. That is entirely dependent. The North Platte wilderness is the one existing problem we have got with replacement of a federal reserved water rights. You have already indicated——

Senator WIRTH. Please, do not fuzz it up with North Platte. That was not created in this bill; that was in the 1984 one. We are trying to fix it, and what we are focused on are the 16 or 17 or 18 proposed wilderness areas in the State of Colorado. We have agreed we are now trying to limit this to an understanding of what the problems are.

So please go ahead. But I know it is nice to bring in all kinds of other elements, because that confuses the brew on a steady basis. But let us keep the focus on these wilderness areas that are the subject of the legislation in front of us.

Mr. HOBBS. In my opinion, the quantification language has differed among those other bills, all of which I have analyzed those other acts. There was not a quantification standard that Congress has arrived at. That is a very important issue that Mr. Maynes raised. It is very much at issue.

I agree with the other water rights negotiating members on both sides that further work is needed on the quantification.

Senator WIRTH. How do we go about doing that? You are saying yes, in fact, we have created a reserved water right in other wilderness areas, so the President argument is nonsense, is that not correct?

Mr. HOBBS. No.

Senator WIRTH. The fact that we are creating major precedence in the Colorado bill that are going to be egregious and damaging for the future, that has already been done in a whole lot of other states.

Mr. HOBBS. And that is exactly why water users are worried, because some of those precedents are very unacceptable.

Senator WIRTH. Okay. What about the language that is stated? What about the language?

And let me ask you quite specifically, let me take an example of the language that was used, for example, in Arizona. It was said, Congress reserves a quantity of water sufficient to fulfill the purposes of the act; at El Malpais the Congress reserves the amount of water needed to carry out the purposes of the act; the State of Washington reserves such water rights as necessary for the purposes of the act.

I mean there the Congress has said what is necessary, and they have obviously left it then to state water courts to work that out. Now, those are three states who have not gotten in to chapter and verse, but have said quite broadly, whatever is necessary for the purposes of the act, those waters are reserved.

Now, was that an acceptable solution?

Mr. HOBBS. No, I do not believe that language is acceptable. I believe the U.S. Supreme Court standard that the water necessary to prevent the entire defeat of the reservation is what the quantification standard should be. That is the traditional reserved water right language.

Senator WIRTH. Does anyone else want to comment on this? Mr. Miskel?

Mr. MISKEL. Thank you, senator, and I agree with Greg with regard to this. We believe that some precedent has already been established in other states. We do not want to see the precedent established here in Colorado.

It is well-known in the Congress that there are a number of western senators who disagree with the quantification language that has been written into the acts that you have cited here.

In fact, some of the western senators who are recognized as being leaders in the area of water resources have publicly stated that they disagree but they would submit to the desires of the congressional delegation of those particular states. In fact, I have a letter here dated October 19, 1989, written to Congresswoman Vucanovich from Senator James McClure which addresses this issue specifically and I would like to enter it into the record.

Senator WIRTH. We will include that in the record.

[The letter referred to follows:]

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United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

October 19, 1989

The Honorable Barbara F. Vucanovich
U.S. House of Representatives
Washington, D.C. 20515

Dear Barbara:

I am writing in response to your letter of October 19 concerning my position on the reserved water rights language in the Nevada Wilderness bill.

I do not know what transpired during the hearing or how my position was characterized. I firmly believe that issues of land management in a given state should be addressed by the State and its delegation in the Senate and the House of Representatives. I also feel that the issue of water rights should be addressed in the legislation in order to prevent subsequent judicial interpretations of Congressional "intent" which may be contrary to what the Congress actually intended (if it considered the issue at all).

The original water language in S. 974 was unacceptable because it went beyond the management of the National Forest lands in Nevada to suggest that a reserved right exists generally in all states under the Wilderness Act. That assertion is, in my view and that of the Departments of the Interior and Justice, incorrect. Since neither of the two Senators from Nevada sits on our Committee, I offered an amendment which limited the water rights reservation to the lands in question and eliminated the other language. Prior to offering the language, I made certain that it was in fact the intent of the two Senators to make the express reservation and to quantify the right only in a stream adjudication rather than under State procedural law.

I want to emphasize that I am not endorsing the substance of the amendment as a good idea for Nevada or for any other state, but I am willing to defer to the delegation from that state when they choose to preempt the laws of their state.

Enclosed is a copy of the additional views which Senator Wallop and I filed on the Washington Wilderness legislation which sets forth our position on this issue in more detail, and specifically addresses the question of why there should be any federal reserved water right at all when the federal government controls the headwaters.

I hope this clarifies my position. In substance, I agree with you but when our Committee considered this legislation, the position of the two Senators, supported by the State Engineer and the acting Governor, was that they wanted to preempt State law and I deferred to them. However, it is my understanding that the Nevada Attorney General, as well as the Public Lands Committee of the State Legislature, now opposes preemption. This latter position is consistent with my personal view on water language.

Sincerely yours,

James A. McClure
Ranking Minority Member

JAM:JB/als

ADDITIONAL VIEWS OF SENATOR McCLURE

The close of the second session of a Congress usually produces some rather remarkable legislative endeavors, most of which are bad, and some of which, unfortunately, find their way into the statute books. I fear that we may have contributed our share to that with the language which the Committee agreed to which quite gratuitously preempts the laws of the State of Washington to reserve a water right to all water within the areas designate as wilderness. Unlike other reservations, such as that done on the El Malpais legislation, we are not reserving water for any specified purpose. The water is not being reserved because it is needed for either the units of the National Park System or for the wilderness areas. While the practical effect of what we did is probably non existent given that we are dealing with headwaters of an area which was already protected under the management authorities of the National Park Service, the rationale for doing a reservation at all completely escapes me. For a century, Congress has repeatedly deferred to the States with respect to the jurisdiction over water. Granted, the Federal government has the authority to completely preempt all State water law. However, Congress has traditionally resisted that temptation. Federalism may not be dead as a result of what we did today, but it probably is confused.

Putting aside the issue of what is gained by the designation of lands within units of the National Park System as wilderness, unless the National Park Service is completely incompetent or is deliberately sabotaging our parks, there is not one objective in the Wilderness Act which does not already exist in the 1916 Organic Act for the Park Service. In the event anyone forgets that mandate, it is that: "the fundamental purpose of the said parks, monuments, and reservations" is "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (39 Stat. 535) I am unaware of any instance in which the National Park Service has been unable to protect park resources because of State water laws. Where necessary because State law does not recognize a given park objective as a beneficial use, the reserved rights doctrine has filled the gap. All wilderness does is eliminate certain development options which were otherwise available under park management. The euphoria of designating lands as wilderness really should be tempered by remembering that when the areas were originally set aside as parks, they were protected for all time.

Assuming that the National Park Service has been able to obtain whatever water rights needed to preserve park resources, the designation of certain areas as wilderness should hardly give rise to an effort to reserve additional amounts, except for that persistent desire by some to simply impress upon the States that in their view the question of State rights was settled with finality and extreme prejudice at Appomattox. In this instance, there is no reason to believe that any additional reservation is needed for any purpose whatsoever.

While I do think that the reservation does no practical harm, aside from being an unnecessary preemption of State water law, I am concerned that anyone may think that this is a model for other areas not involving headwaters in Washington State. I am concerned that we did not also expressly disclaim any implied reservation of water given the recent propensity of certain courts to divide hidden intent to preempt State law at every opportunity. I am also concerned that we did not follow the rulings of the Supreme Court in *Cappaert* v. *United States* and *United States* v. *New Mexico,* but since we have no identified reasons for making this reservation, it probably is foolish to consider either purposes or quantity. Under traditional concepts, where it is necessary to preempt State law and reserve water, the reservation is limited only to that amount which is necessary to achieve the primary purposes of the withdrawn lands. In this instance, the Committee chose to reserve all the rights to all the water but then undertook to limit the exercise to an undefined term of wilderness values. It is unclear what that means given that the basic park values were already fully protected. My guess is that we have undertaken a blanket preemption which will never need to be used. At a minimum, I hope it makes it clear that this is a nonconsumptive use and will not in any manner affect or prejudice the State of Washington from granting and administering water rights with respect to these waters outside the wilderness areas. I am not completely comfortable in this assertion, but undoubtedly many lawyers will make vast sums of money explaining what it was that we intended. In the final analysis, however, this simply stands as a preemption for the sake of preemption.

The requirement that the Secretary promptly perfect this right in a general stream adjudication is similarly baffling. I would hope that the intent was not to prohibit the Secretary from following current Department practice to apply for the right under State law. Since there is no general stream adjudication for him to use, I suppose we should not be too surprised if "promptly" winds up being a very long time. There is a minimum element of comity implicit in the concept of federalism which demands that if the federal government wishes to preempt State law to reserve a quantity of water for federal purposes, we should have the decency to tell the State what we have done so that the State engineer can deal with future appropriation requests. A permanent unquantified federal water right acts as a cloud over all future attempts by the State to plan for the future. My views with respect to FERC's curious interpretations of federalism and statutory construction, and the court's support and occasional promptings, in cases such as *First Iowa* and *Pelton Dam* do not need to be repeated. I am concerned that Congress is beginning to join in.

Certainly we have the authority to do what we did today. The sole redeeming value is that for a change the proper Branch of government exercised the authority which is assigned to the Legislative Branch by the Constitution. Unfortunately there was no reason to exercise that authority, and I think we are the poorer for it.

JAMES A. MCCLURE.

ADDITIONAL VIEWS OF SENATOR WALLOP

I want to express my complete opposition to the action of the Committee with respect to the issue of reserved water rights in this measure. I am dismayed both by the language finally included in the bill and by the process which arrived at the language. I had been informed the night before the business meeting that language would be offered which would reserve water only to the extent needed, if any water was in fact needed. While I think the Committee could rather easily have determined how much water is needed when the areas under consideration consist of headwaters located within an existing National Park, I was prepared to reluctantly agree to reporting the measure and note that we had undertaken a meaningless exercise. In fact, different language was offered which effected a complete preemption of State law to reserve *all* rights to *all* water which originated or flowed through the areas, regardless of need. It was a gratuitous preemption for the sake of preemption. It mattered little that the stated purpose of the amendment was to reserve only what was needed, since the language was clear on its face. As a result of a Committee discussion which resembled something from Lewis Carroll, we now have language which may in fact be worse. Given the trench warfare we have had over federal preemption on isssues such as nuclear waste and the effort that went into language on water rights on coal slurry, I have no explanation for the travesty which the Committee has reported. I can only assume that had this language actually been circulated to the Committee prior to the business meeting, we would have had the good judgement to either reject it out of hand, or at least reformed it back to the language which some of us assumed was to be offered.

What the Committee actually reported is simply intolerable to anyone who cares in the slightest about the primacy of State jurisdiction over water rights. What we did is even more pernicious, if that is possible, than the continued assaults from FERC and other agencies who seem dedicated to making State jurisdiction over anything a matter of ancient history. I feel somewahat obliged to remind my colleagues that the idea of States was not a bad joke dreamed up by the founding fathers during a late night session at the local tavern. Federalism involves a certain recognition that various levels of government are best able to provide for the needs of the citizens of this Nation. It is not well served when the federal level embarks on a calculated effort to destroy other levels. For a century, the Federal Government has recognized the unique system of water rights which apply in the West. Congress has consistently deferred to the mixture of riparian and appropriative rights which exist in the West. The Congress could have ignored the early growth of the doctrine of prior appropriation, but chose not to. Rather, beginning in 1866, Congress chose to recognize the patterns of water rights which were evolving. Various statutes in fact required individuals to acquire rights prior to being granted federal permits, licenses, or patent. However complex, the water rights regimes in the Western States have served both the States and this Nation well. As the Public Land Law Review Commission stated in its report:

> In nearly 100 years of development, state water law has achieved a reasonable certainty of results which has permitted substantial public and private development in the West. While sometimes necessarily complex, the state administrative and judicial procedures have provided a means to determine security of rights to the use of water.

To reverse that defense for no identifiable reason should not be tolerated.

The problem of federal reserved rights is not new, although it has taken a far more ominous aspect recently. The National Water Commission concluded in its report in 1973 that:

> . . . the reservation doctrine frustrates sound planning in the public and private sectors of the economy. The prospective claims of the government are highly uncertain as to time, manner and quantity of use. Consequently, no planner or investor can establish a meaningful water budget. It is impossible to prove how many non-federal projects were not undertaken because of these uncertainties, but statements to the Commission reveal profound concern on the part of state officials.

That frustration has only been compounded by federal agencies more interested in empire building than in administering federal laws as enacted and courts which use some judicial ouija board to devine Congressional intent in order to reform laws to accomplish not what Congress enacted, but what the particular court has decided Congress would have enacted if only we were as enligthened as the judge. For that reason I fully support Senator McClure's decision to make the Congress address the question of water every time we consider legislation which has the potential for some agency or court to "find" an implied reservation of water. This decision does not unduly complicate our process, any more than deciding on boundaries, on whether or not to protect existing rights, to authorize acquisition by donation only, or by purchase, or by condemnation. The questions which need to be asked are also fairly easy:

(1) Does the federal government need to acquire water?
(2) If it does, for what purpose and how much?
(3) Does State law recognize that purpose as one for which rights can be acquired?

Only when the answer to the last question is no is there a reason to consider an express reservation of water. The answer does not require a reservation, however, because it is not always the case that a reservation is necessary (where for instance we are dealing with headwaters which could not be threatened) or warranted (where the purpose is not sufficiently important to justify a preemption). There will be instances where a reservation is needed to establish a valid purpose, and that is a decision which Congress is perfectly capable of making. Having established the purpose, there is no reason why the United States should not then proceed through the State process to perfect its rights and ensure that the right is reflected in the State's inventory.

What concerns me so much with this amendment is that here was not the lightest effort to inquire as to whether there were any objectives which were not already fully achieved either by existing reservations or as a matter of State law. There was also not the slightest effort made to determine whether the physical setting of the new wilderness areas (headwaters within an existing National Park) obviated the need for a reservation. The amendment does not speak to any purpose, is not narrowly defined, nor does it provide any guage as to what its intent is. On its face, the amendment effects a complete preemption of all possible rights on all waters with a subsequent limitation on how those rights may be exercised. The amendment may effectively preclude any further appropriation downstrem for any purpose ever. It may not matter that there is water flowing to the sea, because the State may find that there are no rights left to grant for any purpose. I assume that the mention of valid existing rights would serve to protect current riparian owners, but it is uncertain as to whether future owners would similarly be protected. The concluding sentence about promptly claiming the rights in a general stream adjudication is simply nonsense. To deliberately limit the federal government in this manner so that the right is never perfected goes beyond anything else. It is not the purpose of federal legislation to force the State to institute general steam adjudications on a routine basis. This is some children's game of "I've got something but I won't tell you what it is" The State of Washington deserves better from this Committee.

My final concern is that this is all gratuitous. However warm it makes you feel to designate these lands as wilderness, not one bit of protection will be added. It was an earlier Congress which made the hard calls and set aside these lands in a manner which would leave them unimpaired for future generations. Wilderness sounds nice, but does little but ensure that the National Park Service does not seek appropriations for visitor facilities or campgrounds in the areas designated. That is the current situation under their general management plan, and if Congress wishes to lock in that plan, I have no objection. We should, however be honest and remember that the credit for preserving this area belongs to those who went before. That fact makes this preemption all the more distasteful. I hope that upon reflection, the Senate will be more responsible.

I hope that the Governors of the various States pay close attention to what we have done, or proposed doing, during this Congress. We have had instances where the federal and State governments have been able to cooperate within the State process. For example, in Colorado the Fish and Wildlife Service plans to acquire certain water rights pursuant to State law and the State has agreed to retire those rights and convert them into in stream flows to protect an endangered species. That is federalism. The Senate has also passed legislation affecting Idaho which relies on the State providing whatever water rights are needed. In that instance a reserved right would have been not only meaningless but counterproductive since the streams were already fully appropriated. I appreciate the rush in the closing days of a Congress, but that does not excuse this type of action. Certainly every area is unique with its own particular problems. We are not so overworked that we can not be creative in arriving at solutions, nor are we so wise that we can not have the simple courtesy to consult with the State to determine whether or not anything needs to be done at all. This is an instance where geography alone should have dictated the result.

MALCOLM WALLOP.

Mr. MISKEL. Also, I would like to cite once again the publication that I received recently from the Wilderness Society. In their discussion of their goals and objectives for wilderness in New Mexico they also relate a discussion of the opposition, in which they say development efforts are trying to block permanent protection for New Mexico wild lands by making wilderness designation contingent upon relinquishing Federal reserved water rights in wilderness, so obviously there are a lot of people in that state that have now become more aware of the seriousness of this problem and are attempting to solve that problem with subsequent wilderness designation.

Senator WIRTH. I might just point out that the delegation in New Mexico that passed a wilderness bill, Senator Bingaman is a Democrat, Senator Domenici is a Republican; in Arizona, the legislation which passed there in 1988, Senator DeConcini is a Democrat, Senator McCain is a Republican, that they have been able to work this out with the kind of broad language that is there.

Where we are at this point, it seems to me, is narrowing the issue down still further. I would submit that other states have certainly done the precedent very well, that we are not setting major kinds of precedents here. There are other sets of language to look at that we might save for the purposes of this act. Wilderness water is protected.

Another issue that I would like to see if we could slice into—and if other people want to comment on this before I go on?

Mr. PORZAK. I would simply say the language in your act says you are going to reserve a quantity of water sufficient to fulfill the purposes of the wilderness area. This just recognizes the plain and simple fact that a headwaters wilderness area without water is totally meaningless. Our Colorado water courts are perfectly capable of addressing the quantity issue. That is what they do every day.

Senator WIRTH. Does the legislation say that this would go through the Colorado water courts?

Mr. PORZAK. It absolutely does.

Senator WIRTH. Who is the referee if there is disagreement on this?

Mr. PORZAK. It is an immediate appeal to the Colorado Supreme Court.

Senator WIRTH. So it is a Colorado process that is gone through to determine how much water?

Mr. PORZAK. 100 percent.

Senator WIRTH. Then it is a Colorado referee, is that right?

Mr. PORZAK. That is correct.

Senator WIRTH. So we do not have some sense of a lot of Federal agents galloping over the hill, coming in to steal Colorado's water, is that right?

Mr. PORZAK. That is absolutely correct. I want to make one other point and that keeps getting lost. This is a headwaters wilderness bill, and when you keep clean water in the headwaters area you protect downstream water users, and they are all downstream water users in this state, with the exception of that one water right identified on Service Creek. I would like somebody to point to a water right that is adversely affected by this bill. It is a water-positive bill.

Senator **Wirth**. Let me now see if we can separate out the upstream issue from the downstream issue. The waters in the wilderness areas in this legislation that have been set over and over and over again are upstream headwaters areas. They are upstream headwaters areas.

There are those, right, who want to combine this with a set of downstream problems and one opponent of this has said "I feel that wilderness designation should continue to be held hostage until the water problem is resolved," and I believe, Mr. Maynes, that you have said something similar to that here, that we ought to hold this hostage until we resolve the downstream water problem?

Mr. **Maynes**. I did not say that at all. I think, senator, perhaps your staff is confusing the statement I made at the Club 20 hearings with the statement I made here today.

Mr. **Porzak**. Sam, are you saying different things?

Mr. **Maynes**. Both of them are correct.

Senator **Wirth**. That is all right, Sam. I have been in politics for a long time and consistency is not necessarily the mother's milk of politics, either. [Laughter.]

Mr. **Maynes**. I understand that. Nor of water law. [Laughter]

Senator **Wirth**. In any case, we have here now, it seems to me, the final issue I wanted to touch upon and that is sort of the hostage issue and I believe the issue that we face is, can we protect the headwaters area without getting into the downstream Bureau of Land Management nonheadwaters areas? They present very different water problems.

Governor Romer in his opening statement made very clear that we ought to protect the headwaters area, but he does not know how to resolve the downstream water area problem. Let us leave that for another day.

Congressman Skaggs said exactly the same thing, and the delegations in all of the other western states that have passed wilderness bills have done the same thing as well, although in some cases they have reached into a downstream water areas and as we did on the Poudre River created a very express water right for the Poudre, even though that was a downstream, nonheadwaters area.

So I think ultimately the question that we face here is, why is it that we are waiting to protect 750,000 acres of headwaters wilderness area where nobody has been able to raise, despite repeated requests, nobody has been able to tell us of any water right that would be directly affected by this bill?

We have not got a single record of anybody talking about a single water right that is adversely affected by this legislation. We have defined those water areas. We have walked them. My wife, Ren and I have been in most of them and will, before this bill becomes law, have been to all of them. We have looked at those very, very carefully. We have made sure that there is no adverse effect on downstream water rights of anything in this legislation.

The remaining question for us is, why should 750,000 acres of prime wilderness area in the State of Colorado be held hostage to a set of undetermined problems downstream that nobody knows how to determine, that we have all realized is a very significant and thorny set of issues to be addressed another day?

I am reminded a bit—trying to think of what adequate parallels are, one would say that children in the inner city are not getting a particularly good education, but we are not going to try to solve their educational problems until we have fixed the employment of their parents and the housing in which they live and the clean air which they breathe and so on.

You take discrete issues and solve them when you can solve them. It seems to me that is what the legislative process is. You define that problem and you solve it. That is what I am trying to do in S. 1343.

The question remains, why—the final question for all of you, why should we hold hostage these wilderness areas where there is no harm to anybody's water right that anybody has pointed out yet? Why should we do that?

Let me ask that as a final question of any of you on the panel who might like to answer that in any way you would like. Mr. Hobbs?

Mr. HOBBS. Senator Wirth, I think—let us talk about the Poudre. That was a concrete example of how the problems were resolved. The Poudre River is a headwaters wild and scenic river. The 75 miles was a headwaters area. We set aside the eight miles below Poudre Park down to the canyon above Fort Collins as an area where the legislation talks about future water development.

We were able to do that compromise because the wild and scenic river was 75 miles above it, and we pointed out in the legislation that the water users of Northern Colorado, who I represented, would be protected by being able to build a storage structure below Poudre Park in the Great Mountain site.

Now, I believe that if we address the North Platte problem satisfactorily, as you said we should go and try to do, that we can take care of the existing problem and then we need to protect the ability of water users to get in there and have a fair debate when we get to other segments.

Senator WIRTH. I appreciate bringing in the Poudre and bringing in the North Platte again, but they are not, as you know, in this wilderness bill. The only way in which the North Platte is in here is our attempting to, again, bend over backwards to solve the problem.

Somebody once said, you can bend over backwards, you can also bend over forwards, and either way if you bend far enough you fall on your face. It seems to me that what we have attempted to do is to help you sold the Poudre problem and now the Poudre problem is being stuck on us as if it is the biggest reason why we should not pass the bill.

Let me ask the question again. Why is it that having solved and defined these upstream areas that do not do anything to anybody else's water rights, why should these upstream areas be held hostage by a set of other issues? Why should they be held hostage?

Mr. MAYNES. Let me take a stab at that, senator.

When we started out this process over two and a half years ago at the request of you and Senator Armstrong, it was to negotiate an equitable solution to this problem.

For over two years the water rights negotiation team made it clear that their willingness in the initial instance to recognize the

Federal water right for headwater wilderness areas, one which was after all under legal attack in the 10th Circuit Court of Appeal, and the issue of whether or not there is or is not, a Federal reserved water right in the 1964 act, and our willingness to recognize a specific, explicit Federal reserved water right, was conditioned upon the certainty that there be no express or implied Federal water right in the nonheadwater wilderness areas because we could recognize what that impact is going to be on future users downstream.

I can recognize it very well on the Delores River, where the BLM is studying and has under study status a proposed wilderness area which is located south of the paradox, north of the McPhee Reservoir, and if there is created in that wilderness area a Federal express, Federal reserved water right, that is going to handle the whole operation of the McPhee Reservoir.

Senator WIRTH. Let me ask you, Mr. Maynes, is there anything related to the Delores River in this legislation?

Mr. MAYNES. No, there is not.

Senator WIRTH. Mr. White?

Mr. WHITE. Senator, if I could summarize Mr. Mayne's response to your question, I think it was, we should hold the headwaters areas hostage because I want to hold them hostage, because we have some serious problems with downstream areas that we are going to need to resolve some day.

I disagree with what Sam said and I do not think we should hold the downstream problems hostage. They will take a very long time to resolve.

It took us a long time to negotiate a solution to the Poudre River problem. It was a downstream area in the sense that there were a number of water rights within the designated segment.

We simply have not got any more time to negotiate a solution to the downstream areas. We spent two years trying to do that and we reached impasse.

I think your approach, separating out the headwaters areas where we know we can reach agreement on those issues, is at this point the only way to go.

Senator WIRTH. I think we have maybe come to the end of useful discussion of all of this. I do appreciate all of you spending so much time with us and your forbearance of all of the other people who had come to make their views known.

As you can see, this is the central issue of the bill. I think we have laid aside all of the others. This is the central issue, and to try to pin it down to its quite specific components is something that we all want to do.

On the Circuit Court suit language we have the tandem over here that is going to solve the problems. Mr. Hobbs and Mr. White are going to get back to us on that. On the North Platte issue I think Mr. Porzak and Mr. Hobbs are going to get back to us on that. Those are two other issues that we, bending over backwards, tried to resolve in the legislation because we have been asked to.

A third one, which has just been briefly mentioned, is the issue of Colorado Springs. I must say as a side bar, Mr. Miskel I have never understood why Colorado Springs believes it has such an enormous stake in this to be leading the opposition all across the state to this wilderness bill, but I'm sure you have very good reasons for doing so.

We have also attempted to develop in here a restatement of the language on the Colorado Springs Homestake problem from 1980 which is what we have been asked to do by the City of Colorado Springs. We have done that and if that is not adequate on Homestake I suppose we can hear from you as well on whatever problems there are, and maybe some day I will come to understand what Colorado Springs' major stakes are in this. I have not been able to find them in the legislation.

In any case, to all of you I thank you very much for coming, to all eight of you who have spent not only a great deal of time here today but in the past have spent even more time, and we look forward to receiving the comments of our dynamic duos here as they bring us resolution to these other issues.

Thank you all very much.

We are now moving into the panels which we face. The lists, I think, have been posted as to when and where we would like people to come and testify.

If you all would come up here, panel number one, and panel one would come into the front row and perhaps in the order that I mention them from left to right, if you would: Bob Childs, Darrell Knuffke, Sally Ranney, David Taylor, Rocky Smith, Keith Propst, Kent Bingham, Lisa Mercier, Dennis Larratt and John Henderson. Starting on the left, Mr. Childs, Mr. Knuffke, Ms. Ranney, Mr. Taylor, Mr. Smith, Mr. Propst, Mr. Bingham, Ms. Mercier, Mr. Larratt and Mr. Henderson.

On the on-deck circle we should be moving in Mark Pearson, Eugene DeMayo, Michael Browning, Bill Miller, Bob Sunbeen, Jack Welch, Jerry Abboud, Corvin Brown and Nick Theos.

If you could start right over there and just move right down, mister—okay, if we might now proceed, let me for the purposes of the record once again point out that everybody's statements will be included in full in the record.

We have an awful lot of people who wanted to come and make their views known. We have allocated everybody two minutes and I am going to be very fierce about that two minutes in fairness to everybody who would like to testify.

Those of you, after you testify, if you would like to just pick up and take off, you are certainly free and welcome to do so. We would, of course appreciate anybody who would like to testify for less than two minutes who might like to just have their full statements included in full in the record.

But what I would like people to do is to have the microphone so there is no point in getting up. If we could just move the microphones right along this way, and Ms. Ranney if you might move that down to Mr. Childs and we might just move right along, everybody be prepared to move it out as rapidly as possible.

Identify yourself if you would very quickly, and move through your statement. The red light will go on and I am going to then move right away onto the next individual. So Bob Childs, you are the lead-off man.

STATEMENT OF BOB CHILDS, RANCHER, WESTERN COLORADO

Mr. CHILDS. Senator Wirth, thank you for the opportunity to testify.

Senator WIRTH. If we might—if you will hang on, and this will not count against your time, could we ask people in the back and out in the hall please to go down to the third floor if they would like to conduct—these halls really echo.

Mr. CHILDS. Thank you for the opportunity to testify in favor of S. 1343. My name is Bob Childs. I live in Western Colorado, where I am the owner and operator of a cattle ranch. I have been a county commissioner for 12 years and at present I am a director on the Colorado Board of the Colorado River Conservation District, but I should make it clear that this statement is a personal one.

Almost 50 years ago I came to Colorado from the Midwest. I took a train across the plains east of Denver and I saw in the morning light a thin band of purple that was the Colorado Rockies. From that moment began my love affair with the mountains of Colorado.

Now, my ranch is nestled in the mountains and I never tire of their awesome presence. Little could I imagine, a young man on that train, that some day I would be so intimately involved with the Rockies as a long-time rancher, county commissioner, environmentalist and member of the River District.

I am going to depart from my prepared testimony to mention a case history. Some years ago, a ski area was examined behind our ranch that was an area that was U.S. Forest Service lands. It was in an area that was entirely inappropriate for ski area development because of lack of infrastructure and because of incompatibility with adjacent private lands.

It was also entirely appropriate for wilderness. In 1980 that area became wilderness. I recognize now, as Glen Porzak said, that the wilderness bill of 1980 affords me protection for my water rights on Capital Creek.

I think that Senate Bill 1343 is crafted to honor the commitment made to act on the study areas that were identified in the Colorado Wilderness Bill of 1980. It does not intend to address the lower elevation candidate areas which I think is appropriate.

At a water conference several years ago I said—and apologies to Senator Bradley who is on the Committee, and who is from New Jersey—Colorado is not New Jersey with bumps. It is simply the most beautiful state in the world.

Senator WIRTH. Mr. Childs, we gave you a few more seconds because of the noise outside. Steve, could you go out and please give us a hand in trying to get that quieted down? Thank you.

What I am going to do is to add a minute and forty-five seconds, hit a bell and then you have got 15 seconds to go and everybody will know, and that way we can really keep this up.

Mr. Knuffke.

STATEMENT OF DARRELL R. KNUFFKE, CENTRAL ROCKIES REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Mr. KNUFFKE. My name is Darrell Knuffke and I represent the Wilderness Society.

Mr. Chairman, off-road highway vehicle users have criticized Senate Bill S. 1343 on the ground that it would deny them a chance for motorized recreation on Colorado's public lands. Nothing could be further from the truth.

As a frame of reference, consider the mileage of the state highway system. According to the Colorado Highway Department, that system totals 9,183 miles on interstate, U.S. and state highways, but the road and trail mileage available to date to motorized recreation on Forest Service and BLM lands in the state totals 21,700, well over twice the 9,183 in the state highway system and roughly the equivalent of four round trips between Los Angeles and New York City.

According to the regional office of the Forest Service, its road system alone in the state totals 20,025. 7,182 of those are usable by passenger cars, 10,000 are suitable for use by 4-wheel drive vehicles. 2,900 miles are closed to general use.

The Forest Service trail system offers another 2,754 miles for use by all-terrain vehicles and motor cycles and snowmobiles, by their nature, are not restricted to operation on roads, anyway.

The Colorado BLM reports that its road system in the state includes 4,200 miles of roads and another 400 miles of trails. In all, 5.5 million acres of BLM land in the state are accessible to off-road vehicle users and it is worth noting that, of that total, 3.5 million miles are open to cross-country motorized travel, whether there are roads and trails on it or not.

There are 21,700 miles of roads and trails on Colorado's public lands for motorized recreation, and millions and millions of acres of public lands available for snowmobile use. Senate Bill 1343 will have no adverse impact on roaded recreation in Colorado. It is not in short supply, Mr. Chairman, but wilderness is. Senate Bill 1343 deserves to be passed.

Thank you.

Senator WIRTH. Sally Ranney, our next witness, was, among other things, appointed by President Reagan to his Commission on America Outdoors.

Ms. Ranney.

STATEMENT OF SALLY A. RANNEY, PRESIDENT, AMERICAN WILDLANDS

Ms. RANNEY. Thank you, Senator. I am president of American Wildlands, formerly known as American Wilderness Alliance.

I am here in capacity of president of that organization to strongly endorse S. 1343 and I want to say that over the last 15 years of public land issues I have been involved in, this is one of the most thoughtful and finely crafted pieces of wilderness legislation.

You made a statement, as have others about the contribution, or lack thereof, of wilderness to sustainable economies. And I want to briefly present the findings of a very revealing research study on the economic values of wilderness that my organization commissioned and was conducted by highly respected economists, Dr. John Loomis and Dr. Richard Walsh.

Now there are many reasons why Americans value the preservation of wilderness and, of course, the first one is recreation, which will be addressed by others. But there are other values: option value, which is an insurance policy guaranteeing areas will be available should people get the opportunity to visit them in the future.

There is the existence value, the knowledge of knowing that they will exist in their pristine state, whether we visit them or not.

And there is bequest value, which arises from the satisfaction gained that they will be there for future generations.

To translate these into wilderness benefits that is tangible, a technique was called the contingent value method, which is creating a simulated market where people can express these benefits in dollar terms, using a survey technique.

And I want to stress here that this is no mere opinion poll but a carefully structured, reliable research tool.

We did a mail survey of randomly selected households in Colorado with a 41 percent response rate. The survey contained a map showing various acreage amounts of U.S.-identified Forest Service roadless areas.

And households were asked what they would pay per year into a special Wilderness Trust Fund for 1.2 million acres of wilderness to 2.6 million acres of wilderness to 10 million acres of wilderness. The values ranged from $14 per household per year for 1.2 million to $32 per year per household for 10 million acres.

Now there are a lot of other factors in these calculations that I cannot go into now, but the results are what is important.

These values—recreation, option, existence and bequest values of additional acres beyond the current 6.218 million acres in Colorado is valued by Coloradans at $148 per acre.

And in the case of S. 1343, that is 111 million acres.

There are other options that might be foregone and we pooled the information from the U.S. Forest Service RARE II development opportunity rating system, and that was also plugged into this research.

What it means is that each additional acre of wilderness requires society to give up $46 worth of commodity outputs but it gains $102 per acre.

It also means that the overall net gain to society from adding the acres in this bill to the national wilderness system is 76.6, $76 million of present value.

And I would just like to close by saying that water values are implicitly included in these figures in this research because water is a component of functioning wilderness ecosystems in our state.

Thank you very much.

Senator WIRTH. Thank you very much, Ms. Ranney. I am sorry we do not have more time on this issue.

And I would just say as a sidebar, the question of the economics of wilderness and how that competes against other issues, is one of the very interesting ones in which there has been a little bit of research done, but an area that is fast-burgeoning and a fascinating one.

Thank you.

Mr. Taylor.

STATEMENT OF DAVID TAYLOR, EXECUTIVE DIRECTOR, COLORADO TROUT UNLIMITED

Mr. TAYLOR. Trout Unlimited supports and endorses Senator Wirth's Colorado Wilderness Bill, S. 1343.

Wilderness is a tremendous American asset, part of a great American heritage and tradition.

Fishing, trout fishing in particular, are an integral part of that tradition.

Wilderness areas have many values. The cold water fishery values of Colorado's current and proposed wilderness areas are priceless and irreplaceable. They merit the vital protection that wilderness status provides.

Wilderness areas preserve and protect the key wild trout fisheries. They preserve water quality and in-stream flows, thereby not only sustaining their own pristine fisheries, but nurturing important downstream fisheries as well.

Wilderness areas are an important economic asset to the state of Colorado, the state whose annual economy is boosted $6 billion annually by tourism and recreation.

The Division of Wildlife statistics show that fishing alone contributes more than $700 million to Colorado's economy each year.

Approximately one million people fish in Colorado each year, including about 300,000 out-of-state fishermen. Wilderness fisheries are one key reason they come.

Americans look to Colorado and to Congress to preserve and protect the key public lands in Colorado.

Wilderness areas and their expansion advance the very important mission of responsible stewardship for our nation's public lands.

On behalf of Trout Unlimited, I fully endorse passage of this vital wilderness legislation.

Thank you.

Senator WIRTH. Thank you very much, Mr. Taylor.

Let me ask—it seems to me you were driving at some economic issues, and that spins right off from Ms. Ranney's testimony.

Might it be possible for the two of you to get together, and I don't know if there is an analog in the hunting area or the rafting area or whatever, other groups like your own, that see various changing economic values. I don't know if it might be possible for you all to get together with Mr. Hode.

It seems to be very helpful for us with this bill and maybe elsewhere, to have some sense of what the economics of this are. I think that is something we ought to know.

Let me just leave that and ask you if you have the opportunity to do it, the committee would really appreciate it.

Mr. TAYLOR. I would be pleased to do that.

Senator WIRTH. Rocky Smith.

STATEMENT OF ROCKY SMITH, FOREST MANAGEMENT COORDINATOR, COLORADO ENVIRONMENTAL COALITION

Mr. SMITH. Thank you, Senator Wirth, for holding this hearing.

Senator WIRTH. Would you talk right into that, Rocky, do not be shy.

Mr. **Smith**. Okay. I am Rocky Smith, Forest Management Coordinator for the Colorado Environmental Coalition. I am giving part of the testimony for the coalition today. Others will follow.

I will address the timber resources that will be affected by S. 1343.

Much of the timber in the area is proposed for wilderness in S. 1343 is of marginal, commercial quality. Since these areas are roadless, road construction would be necessary to access this timber and this could require a considerable expense.

Forest sale quantity levels are dropping in some cases; many of the forests in Colorado, due to citizen pressure, and court decisions and decreasing Federal budgets. Therefore, all the timber that could be cut from these wilderness areas is probably the least important timber for those forests.

The Forest Service indicates that timber sales are scheduled in several areas, but we could find no record of their being scheduled.

The Forest Service needs to get their act together and avoid the perception of being suddenly attempting to schedule timber sales in these areas now that they are in S. 1343.

CEC believes timber is not needed from those areas to support existing industry. There are many places where comparable timber can be found. These places will also usually have roads, in contrast to the proposed wilderness areas, where roads would often have to be built, often at considerable expense.

There are not many areas left in Colorado below 9,000 feet that remain unroaded and in a more or less natural state.

Thus we feel it is very important that several areas encompassing lower elevation ecosystems be designated wilderness. These areas contain ecosystems such as the Ponderosa pine Douglas fir and white fir mixed conifer ecotypes that are not well represented in the wilderness system in Colorado.

Surely these areas are far more important for preservation of their wilderness characteristics than they could ever be for the minuscule amount of timber that could be removed from them.

Therefore, we urge prompt passage of S. 1343. Thank you.

Senator **Wirth**. Thank you very much, Mr. Smith.

Mr. Propst.

STATEMENT OF KEITH PROPST, PRESIDENT, COLORADO FARM BUREAU

Mr. **Propst**. I am Keith Propst, president of the Colorado Farm Bureau, the state's largest farm organization.

There are many issues that concern agriculture about the wilderness areas. The grazing livestock becomes impracticable because no motorized vehicles are allowed and ranches are not able to maintain or develop stock-watering and other facilities.

The impact on the adjoining private land involves noxious weeds, pests and risk of uncontrolled forest fires.

It is most important, I think, for us all to understand the importance of the food and fiber system of Colorado. It employs over 225,000 people and accounts for $20 billion of the $70 billion of sales we have in this state, or nearly 30 percent. Only 20 percent of the crop land in Colorado, or 3 million acres, are irrigated. But this irrigated acreage accounts for 70 percent of the crop receipts.

What does this have to do with wilderness areas? For production agriculture to survive in this state, there must be a recognition, that water rights are our most important property rights. They have been purchased over a 130 years with the sweat and blood of farm and ranch families and backed up by 100 years of water law. This same law protects farmers and ranchers; also, it protects cities, and the people that depend upon those water supplies.

And we believe it is simply wrong and unfair for the Federal Government to super-impose a new water right into this system.

Senator Wirth, we have two major concerns about your bill. The first is the greatly expanded acreage that you propose.

In 1986, I believe that Senator Armstrong and former Senator Hart, and the Colorado delegation, including yourself, had agreed on 580,000 acres for boundaries for these proposed wilderness areas. And even this is more than the 401,000 acres that was recommended by the Forest Service as being suitable for wilderness designation.

Now your bill, I believe, proposes over 700,000 acres, and most of the additional acres have been studied and previously released for multiple use.

The Forest Service, I believe, by releasing it, considered them unsuitable for wilderness.

The second concern we have is the water language. These proposed wilderness areas do not need any water rights because they are upstream or above any water. And so, the very fact that they are up there, they cannot be threatened and do not need the language.

Senator WIRTH. I want to ask you, Mr. Propst, if you would submit to us—you made the argument in the past that Colorado agriculture would be adversely affected by this legislation.

Would you supply to us your listing of those specific water rights that would be directly affected by S. 1343? We would appreciate having that.

Again, we are dealing with specifics. If there are specific water rights that have caused a problem, we would like to know it. That would be very helpful.

And second, if you would submit a list of those lands that you have suggested were released by the Forest Service from any further wilderness designation, that are in this legislation, we would like to have that listing as well.

Mr. Bingham.

STATEMENT OF KENT BINGHAM, ON BEHALF OF THE INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION

Mr. BINGHAM. Thank you, Senator. Thank you for the opportunity to be here this morning. I am amazed that you say what you do about the timber not actually being affected by 1343 because it really is.

I will not have time this morning, obviously, to get into a lot of that detail, but we will submit the kinds of things that you just requested from Mr. Propst.

By adding additional wilderness or maintaining wilderness study areas which total over 800,000 acres to the already existing 2.6 million acres in Colorado is of very great concern to us.

Our sawmills and loggers have less volume under contract right now than has been the case for many, many years. The situation makes it increasingly difficult to adequately plan for and successfully complete advanced road construction, ongoing sawmill operations and capital expenditure outlays.

It is also a disruptive situation with regard to employment, employee attitude and workforce stability.

At the same time we are forced to cope with continued pressure by preservationist groups to influence, through appeals and litigation, reductions of forest harvest even below those of the forest lands, continue to say should be available.

As a result, it is apparent to us and certainly to others, that further erosion through wilderness designation of the timber base in the Colorado National Forest can only make what is currently a very bad situation for us even worse and one, that if it continues, is going to cost some more jobs.

As far as the acres are concerned, the Forest Service has given us 156,571 acres of suited, currently scheduled land that 1343 contains and 258,261 acres of tentative suited lands that they consider to be potential for future harvest.

I think we probably need to get together and extend what these acres are because apparently you have different ones.

There is also a state study out that involves more jobs than what I think the Forest Service study says there are out there.

I am not going to be able to complete this statement. I will tell you that, as with the previous speaker, there are areas that are included that were released by the Forest Service through their study and it goes back to what the act in 1964 called for. We can give you our detail on that as well.

Senator WIRTH. Thank you. We would appreciate that and also any corrections to the statistics the Forest Service gave us in 1979 of 3.2 million acres of suitable timber for harvest inn Colorado, less than 118,000 acres in this legislation. This is a very small percentage. But let us get your data. We may disagree, but let us agree on the numbers.

Mr. BINGHAM. May I add that we are trying to get these areas mapped.

Senator WIRTH. Thank you very much, Mr. Bingham.

Ms. Mercier.

STATEMENT OF LISA MERCIER, ROCKY MOUNTAIN OIL & GAS ASSOCIATION AND CHEVRON, U.S.A., INC., WESTERN REGION

Ms. MERCIER. I guess I will just use this speaker since this is the only accessible one.

I am Lisa Mercier and I am representing the Rocky Mountain Oil and Gas Association, as well as Chevron, U.S.A.'s Western Region.

Since the oil and gas industries and the mining industries contributed over $64 million in unique revenues to the state in 1988, we especially appreciate the opportunity to appear before this subcommittee.

However, it is not possible to convey industry's position in the two minutes, and I refer you to our written statement for a complete discussion.

Our position on Colorado wilderness legislation has four basic components. We believe one, lands of high geologic potential should remain available for mineral exploration and development.

Unfortunately, much of the land recommended for wilderness in this bill has not been adequately explored to determine its oil and gas potential. Potential should be known before a sound decision regarding wilderness can be made.

Number two, balanced wilderness legislation can only be achieved with permanent release to multiple uses of lands determined to be unsuitable for wilderness designation.

Specific changes must be made to the release language in S. 1343 to insure the practical release of lands to non-wilderness multiple uses.

Number three, lands not designated as wilderness should not be placed in special management areas and under a further study category, as 1343 would set aside two areas for a further study. These areas have been in the study category for years already and there is no reason to postpone difficult decisions on these areas.

Number four, lands with existing oil and gas leases should be excluded from wilderness designation. Specifically, Chevron believes the following areas have high oil and gas potential and, therefore request that these areas not be included in the final Wilderness Bill: Oh-Be Joyful, Greenhorn, Sangre de Cristo, South San Juan, Spanish Peaks, Piedra.

Regarding water rights, Chevron and RMOGA urge Senator Wirth to support the Colorado Water Congress position and to changes in proposed water rights language so that the designation of a wilderness area will not establish a federal water right.

Thank you.

Senator WIRTH. Let me, for the record, ask you to submit to us where your data differs from that of U.S.G.S. on high geological potential.

Second, what specific areas in the areas of further study have implications for oil and gas, the two areas for further study.

And third, lands where there are existing leases that we have caused a problem for.

Ms. MERCIER. Some of that information is in my written statement.

Senator WIRTH. Thank you.

Mr. Larratt.

STATEMENT OF DENNIS LARRATT, MEMBER, BOARD OF DIRECTORS, COLORADO OFF HIGHWAY VEHICLE COALITION

Mr. LARRATT. Good morning. My name is Dennis Larratt. I am a Colorado native and a member of the board of directors of the Colorado Off-Highway Vehicle Coalition or COHVCO.

COHVCO is a coalition of motorcycle, four-wheel drive, snowmobile and ATV users. We represent 10,000 members directly and over 192,000 Coloradans, or 6 percent of the total population of the state, who use OHV's in the state.

Senator Wirth, just as you voted against the Idaho Wilderness Bill, S. 371 coming out of committee, just a few weeks ago, we also have a mixed bag on our position on wilderness.

COHVCO fully supports the wilderness concept as a means of preserving selected land in its natural state.

COHVCO is specifically opposed to any wilderness actions that preclude off-highway vehicle use in areas that have a history of such use.

COHVCO does see opportunities to extend its support to some areas, including canyon, desert, and plains environments, as well as high mountain, that are not yet represented by the wilderness in Colorado.

We specifically oppose seven of the proposed areas in S. 1343. We oppose three of the areas that are proposed in S. 1343, but would agree with the 1986 negotiated boundaries.

We question seven of the areas that have potential impact or management problems. And we fully support two of the areas, without change, that are listed in S. 1343.

I hope everyone sees that we have taken a pragmatic approach to this.

OHV use is an established and valid recreation-type of activity, and to establish that, in the record you will find the CSU study from this year that indicates over a half a million dollars or nearly half a million dollars in annual expenditures by in-state users.

The Sangre de Cristo, Greenhorn and a few other areas have specific areas.

The Rainbow Trail and the Sangre de Cristo shows on a 1931 map, it was established before that. It has always been managed as a multiple-use trail, and that is just one of the areas where we do have a conflict.

I refer you to the written testimony for the rest.

Senator WIRTH. Thank you, Mr. Larratt.

I may again point out for the record, we appreciate your input on this.

When we had the Indian Peaks legislation, there was a great deal of controversy with the four-wheel drive clubs, the snowmobile people and so on.

One of the ways that we resolved that was the development and expansion of the national recreation area over by Grand Lake. We also moved some other boundaries and we did some things that—where everybody got together.

I think that the recreation vehicle people at that point were constructive, as you are. Attempting to say no, we do not want to not have wilderness. You know, these are very important areas. But what is it that we would like to do for your burgeoning industry, and so if you have any ideas on that front, that would be something that we would certainly look at with great interest.

Thank you very much.

Mr. LARRATT. Yes, sir. I have a meeting with Jim Martin on Tuesday.

Senator WIRTH. Mr. Henderson.

STATEMENT OF JOHN HENDERSON, CHAIRMAN, WILDERNESS SUBCOMMITTEE FOR PUBLIC LANDS COMMITTEE, COLORADO MINING ASSOCIATION

Mr. HENDERSON. My name is John Henderson and I chair the Wilderness Subcommittee for Public Lands Committee of the Colorado Mining Association, and I represent that group here today.

The CMA is a trade association representing approximately 130 different mining companies with approximately 1,200 individuals.

The Colorado Mining Association strongly disagrees with the thesis that unless the lands included in S. 1343 are set aside as wilderness, that they will be destroyed.

Our experience is that very few outside the small fraternity, much of it a legal fraternity, know what wilderness is or how restrictive use of wilderness is to the vast majority of citizens.

We cannot confuse in Colorado the concept of recreation which is critically important economically with wilderness recreation, which is a small sub-set of that economic activity.

As a general rule, the Colorado Mining Association opposes inclusion of areas and wilderness of historic mining activity; areas of high and moderate mineral potential, and areas unsuitable or unmanageable as wilderness in the present wilderness preservation system. This would probably cover about half the lands that are covered in S. 1343.

We do this to keep Colorado from making a potentially multi-billion dollar mistake; a mistake for which the bill may not be able to recover from for years.

I would like to address your earlier comment, Senator, that the USGS has always done a reconnaissance of these areas and reported their potential as a matter of practicality in the minerals industry.

I could probably easily spend a million dollars in exploring an area the size of this building to a moderate depth. We have not had that type of exploration in these areas, just a surface or a low-scale recon and it is not the same thing.

Designation of the wrong, critical acreage in the system can only be avoided by adjusting boundaries away from historic mining areas and areas of high to moderate mineral potential, including an expressed congressional disclaimer of the buffer-zone concept.

Thank you.

Senator WIRTH. Thank you very much, Mr. Henderson.

If you all would excuse yourselves, we will move to the next panel.

Now, let us see if we might do this a little more expeditiously.

What we are going to do is to ask the second panel to sit in the first pew.

Mr. Mark Pearson. Please, come up. We will just come up and use the mike.

STATEMENT OF MARK PEARSON

Mr. PEARSON. Thank you, Senator Wirth. My name is Mark Pearson and I live at 3285—Palisade, Colorado, which I remind you is the beach capital of Colorado, but not this year.

I am a western slope irrigator and I own, I have water rights in the Climax irrigation, which is in one of the senior water rights in the Colorado river.

And I do support the wilderness water rights because I know that the clean water that flows out of the mountains down to our headgates is good for our crops.

And when I hear water pirates such as Harold Miskel, from the city of Colorado Springs, say how bad wilderness water rights are, and I know his evil designs on western slope water, I have to make no other conclusion but that wilderness water rights must be good for western Colorado, when the front-range water pirates in Colorado Springs do not like them.

I wanted to talk a little about multiple use. We are going to hear a lot about multiple use, and whether there really is multiple use.

I fail to see how varying valleys underneath millions of tons of tailings like has happened around Climax is multiple use. That is, to me, nothing other than a single use that locks up a land forever under debris.

The poisoned headwaters of the—in the Arkansas for mining, how is that multiple use? That is a single use which has destroyed it for anybody else to use. Logging that has a clear cut to the timber line in the San Juans, where that has polluted our rivers with silt or has degraded pristine wildlife habitat over the years. That is not multiple use; that is locking up land for a single use.

And perhaps livestock industry on public lands has contributed the greatest amount of environmental degradation in the west. They have denuded our vegetation; they have fouled our water sheds and have also done it all at taxpayer expense, as have all of these other resource extractors.

Wilderness, I think, is the most appropriate multiple-use. It protects our air and our water and our wildlife habitat.

Thanks.

Senator WIRTH. Thank you, Mr. Pearson.

Mr. DeMayo.

STATEMENT OF DR. EUGENE F. DeMAYO

Dr. DEMAYO. Thank you. My name is Dr. Eugene DeMayo. I live in Cold Creek Canyon. I'm an environmentalist. Of course, I want more wilderness. I'm also a private businessperson, and I want more Colorado wilderness because Colorado wilderness is why outsiders still come to visit Colorado and help our economy through tourism.

I am an American. Wilderness in Colorado helps keep my country the best place in the world to live.

I am also a citizen of this planet Earth, and wilderness in Colorado will keep our planet livable.

The arguments in opposition to this bill include loss of water rights. It is obvious to me that these arguments are not sincere. Other people have discussed how the water right issue is really not an issue in this particular bill.

Other arguments against this bill come from the users of offroad vehicles. Certainly, there is a place for this type of recreation. There also needs to be a place where this type of intrusive recreation is not allowed. Most of the public lands in Colorado are open to offroad vehicle use. We need more wilderness to assure there will always be someplace to go where motorized vehicles will not disrupt the peace.

Being in the wilderness is an important experience for me. I do not have to go there very often. Something about being there feeds my spirit like nothing else can. John Muir said it this way. Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and cheer and give strength to the body and soul alike.

Thank you.

Senator WIRTH. Thank you very much, Dr. DeMayo.

Mr. Browning.

STATEMENT OF MICHAEL F. BROWNING

Mr. BROWNING. My name is Michael Browning. I grew up in Montana, and I have lived in Colorado for the last 12 years. I am an attorney with a major Colorado law firm, and yes, I, too, am a water rights attorney. My clients include numerous municipalities, water developers and other water users both on the east slope and the west slope. As a result, I am very familiar with the Colorado water rights system and the emotional and political storm which has been caused by the issue of Federal reserve rights in the wilderness areas.

I strongly support the headwaters wilderness bill. I believe it is a fair and sensible approach to the wilderness water rights issue. As has been stressed, the bill only involves headwater wilderness areas because these areas all lie high in the watersheds. There are no water rights for users above these wilderness areas which will be impacted.

The bill has been carefully crafted to exclude any area with water rights above them or which have any significant water rights potential.

I also commend your attempt to be very sensitive to Colorado's desire to maintain its own adjudication and administration system. As has been noted, wilderness water rights which will be created will be adjudicated by a Colorado water court by a Colorado water judge using Colorado water procedures in which any Colorado water user can come in and object if they have any legitimate concerns.

I, too, believe that the wilderness water bill will in fact benefit Colorado water users. At water wilderness areas in the nurseries where streams are born and grow in this state, every water user in Colorado relies upon these nurseries to provide the water which they subsequently divert and apply to beneficial use.

The wilderness water right will insure that this water continues to flow in Colorado streams to the benefit of Colorado users.

In sum, there is simply no legitimate water rights objection to the headwater wilderness water rights bill. If and when downstream wilderness water rights are proposed, there will have to be extensive discussions. However, this bill should not be held hostage to those subsequent concerns.

I commend your leadership on this issue.

Senator WIRTH. Thank you, Mr. Browning.

Mr. Miller.

STATEMENT OF BILL MILLER, TREASURER AND MEMBER, BOARD OF DIRECTORS, COLORADO WILDLIFE FEDERATION

Mr. MILLER. My name is Bill Miller. I would like to correct the spelling of my last name.

I appreciate the opportunity to be here, Senator. I am with the Colorado Wildlife Federation serving as treasurer and member of the board of directors.

Colorado Wildlife Federation is the state's largest sportsman and conservation organization with approximately 16,000 members. The Federation has been actively involved with issues pertaining to the use and protection of our national forests and other public lands in Colorado for many years. Many of our members use these forestlands for hunting, fishing and other forms of outdoor recreation.

On behalf of the Federation, I would like to testify today in support of your proposed compromise wilderness legislation. We believe passage of additional wilderness legislation in Colorado is long overdue, and we would applaud action by Congress on your proposal in this year of the 25th anniversary of the Wilderness Act.

The designation of additional wilderness areas in Colorado would provide a crucially important benefit for wildlife. Development pressures around the state continually threaten to destroy or damage habitat that is needed for wildlife. In the face of increasing pressures on limited lands available to wildlife, habitat protection must be our number one priority in protecting wildlife in the years ahead.

The loss of wildlife through habitat destruction would damage not only the excellent quality of life we enjoy in Colorado but also seriously damage the State and local economies. Hunting and fishing alone provide Colorado with a $1.2 billion industry, not to mention dollar support into the economy by tourists and visitors who come to simply view and photograph wildlife.

Currently, designated wilderness areas in the state already serve to provide some important protection for wildlife. The largest elk herd is found in the White River National Forest in the area including Flattops Wilderness Area.

More protection is needed, and after many years of arguing over water rights this proposed legislation responds to that need. Colorado Wildlife Federation believes that your proposal to designate as wilderness will greatly enhance the cause of wildlife protection in this state.

Thank you.

Senator WIRTH. Thank you, Mr. Miller.

If you all have any numbers on the economic value of all of this, as I earlier asked Mr. Taylor and Ms. Ranney, it would be very helpful if maybe you could join that group.

Thank you, sir.

Mr. Sunbeen.

[No response.]

Senator WIRTH. Mr. Welch.

STATEMENT OF JACK WELCH, LEGISLATIVE DIRECTOR, COLORADO SNOWMOBILE ASSOCIATION, AND COFOUNDER, OFF HIGHWAY VEHICLE COALITION

Mr. WELCH. Thank you, Senator. I am Jack Welch from Golden, Colorado. I am past chairman of the Colorado State Recreational Trails Committee, having served for eight years. This committee removed the trail planning for motorized and nonmotorized trails for the State of Colorado.

I am currently the legislative director for the Colorado Snowmobile Association and also the co-founder of the Off-Highway Vehicle Coalition, which you have heard from earlier. We have over 12,000 active members. They are all enthusiasts of trails. We believe in multiple use in the areas where historical multiple use through motorized and nonmotorized recreation has taken place.

In the area of motorized recreation, you asked about economic numbers. Colorado State University did a recent study, with which we furnished you a copy, where over $488 million was spent by just in-state people through motorized recreation. Due to the recent economic slowdowns in Colorado, we certainly want to keep this ball rolling.

On the area of wilderness, the State Trails Committee, of which I was head of for many years, reviewed the RARE II program along with the Forest Service and BLM, and there were areas of recommendations made.

Many of the areas in your bill that you requested information have been studied and did not meet the criterion for wilderness in the past. Historically, there were roads and other types of multiple uses involving forms of recreation. The members of the Off-Highway Vehicle Coalition this afternoon will be addressing specific areas where there are roads and ways and other areas that are important.

In closing, let me state again that multiple use is the fairest and best way for public lands. In 1964, the initial Wilderness Act totaled 9 million acres. Today, 25 years later, we have 90 million acres, a tenfold increase. Additional wilderness areas are certainly needed, but careful review is also needed in order to provide the proper use of those areas.

Thank you.

Senator WIRTH. Thank you very much, Mr. Welch.

Mr. Abboud.

STATEMENT OF JERRY ABBOUD, COLORADO OFF-HIGHWAY VEHICLE COALITION

Mr. ABBOUD. Thank you, Mr. Chairman. My name is Gerald Abboud, and I, too, represent the Colorado Off Highway Vehicle Coalition. I will be brief, only two points.

The first thing I would like to say is that the figures of millions of acres to which we have access, the best way I guess I could liken it is this. When I ride my motorcycle and I decide to park it, I do indeed have access to millions of acres because at that point I become a hiker.

The other issue that I would like to address is the one of responsibility and contributing towards the maintenance of the resource.

The gentleman mentioned that there were thousands upon thousands of miles of road, but I do believe if you speak to the U.S. Forest Service, Rocky Mountain Region, you will see that about half of those trails, if that many, are maintained to standards because of lack of funds.

Last year we lobbied the Colorado General Assembly to put into effect a piece of legislation to register off-highway vehicles that would generate, we hope, enough money to maintain the trails and to provide signage and mappage. So as an issue of responsibility, we are responsible.

Finally, Mr. Chairman, I would say that we are willing to share the land, and we certainly hope that others are, too.

Thank you.

Senator **Wirth**. Thank you very much, Mr. Abboud. We appreciate your being here.

Mr. Brown.

STATEMENT OF CORVIN BROWN, PRESIDENT, COLORADO CATTLEMEN'S ASSOCIATION

Mr. **Brown**. My name is Corvin Brown, president of the Colorado Cattlemen's Association. I thank you for this day, and I will be brief. There are several comments we would like to make.

Agriculture is the largest industry in the state. It generates almost $3.2 billion in cash receipts alone. $2 billion of that or 63 percent of those receipts are from livestock. You start rolling that over into local communities, and you see what the magnitude of that is.

I would say the Colorado Cattlemen's Association supports designation of wilderness areas to the extent that such designations do not interfere with existing private property or water rights.

It is very interesting that suddenly it has become a very economic thing to have wilderness. We feel, in support, that any proposed wilderness areas should take into consideration surrounding economies before locking any resource up under any wilderness designation.

The idea of preserving our heritage for future generations through wilderness is certainly apropos. However, you must take into consideration the effect that such designations might have on present generations that are making their living off the land, that provide the money to support local businesses within the community. The land and its resources are the glue which holds the real community together. In light of this interacting relationship, it is easy to see the devastating impact of single use causes.

The Colorado Cattlemen's Association, therefore, would support a requirement that all future wilderness considerations be evaluated with regard to their resulting economic impacts on surrounding communities. Such an economic impact study would allow decisionmakers to find the true cost.

One of our primary concerns, of course, is with the water and the lack of any specific language which expressly prohibits the designation of wilderness water rights for future downstream use.

Senator Wirth, I would report to you that we have been chided not only by maybe you but some of the other people today that we are slow in Colorado because other states are already ahead of us. Maybe that is why we are a great state. We have not espoused to the rule that we must keep up with the Joneses. Let us look at this very carefully before we do anything that is drastic to this state.

Senator **Wirth**. Well, Mr. Brown, I have not really chided you, and I do not appreciate the reference to that.

More to the point, I would ask if you on behalf of the cattlemen would give us for the record any listing of where the provisions in S. 1343 "interfere with existing water rights." If you would again get down to the specifics. Where are there provisions in this legislation that interfere with existing water rights?

Mr. Theos?

Let us go to panel number three.

Before doing that, it has been expressed there are a lot of people who have to go who want it known they were here and what their positions are and have their statements included in full in the record.

So what I am going to do is to make a bit of a shift from the more formal two-minute presentations, and if there is anybody here who would like to just come up to the microphone and say what their name is and what their position is and then head off into the day, we would be happy to have you do that. At the same time, we will include your statement in full in the record.

So if there is anybody would like to just step up and make the statement, pro or con, who they are, and then leave, we will include your statement in full in the record. That might expedite it for a lot of individuals who are here.

Just line up right here and just move right through. If you could line up over on the lefthand side and start right here with the lady in the blue jeans right here. Why not start, and we will move right through.

Just state who you are and what your position is, and then we will put your statement in full in the record. Nothing more.

STATEMENT OF PAT MUSICK

Ms. **Musick**. My name is Pat Musick. I am a Colorado native, and I am an educator. From that standpoint, as many of the standpoints already mentioned, I support your bill.

Senator **Wirth**. Thank you.

If you have statements, we will have somebody here to pick those right up for you. Allison Spalding will pick your statements up.

STATEMENT OF JAN HOSE

Ms. **Hose**. Thank you. I am Jan Hose from Bissault, Colorado. I support your position. Thank you.

STATEMENT OF HENRY GIBBS

Mr. **Gibbs**. My name is Henry Gibbs. Thank you for the opportunity to be here.

I would like to strongly commend the efforts you made in working out the key compromise, and I think we need to move forward immediately in passing this bill.

Thank you.

STATEMENT OF DAVID BARBER

Mr. BARBER. I am David Barber from Pueblo, Colorado. I am president of the Arkansas Valley Audubon Society, and we are very much in favor of your bill.

Thank you.

STATEMENT OF KAY LINDER

Ms. LINDER. I am Kay Linder from Fort Collins, Colorado. I have been in Colorado for the last ten years, and I am 100 percent in support of your bill.

Senator WIRTH. Thank you, Ms. Linder.

STATEMENT OF MICHAEL EDISONS

Mr. EDISONS. I am Michael Edisons from Evergreen. I am sorry I cannot stay to give my complete statement, but I am very much in support of your legislation.

Senator WIRTH. Thank you, Mr. Edisons.

STATEMENT OF WILSON HOPKINS

Mr. HOPKINS. My name is Wilson Hopkins. I am a lifelong resident of Colorado, and I am against your bill.

Senator WIRTH. Thank you, Mr. Hopkins.

STATEMENT OF JIM ROSENTHAL

Mr. ROSENTHAL. My name is Jim Rosenthal. I am from Norwood, Colorado, and I am very much in favor of your bill.

Thank you.

Senator WIRTH. Thank you, Mr. Rosenthal.

STATEMENT OF WILLIAMS HOLMES

Mr. HOLMES. My name is Williams Holmes. I am a fifth generation Coloradan resident. I live in Aurora, and I oppose this bill.

Senator WIRTH. Thank you, Mr. Holmes.

STATEMENT OF DICK HEDWALL

Mr. HEDWALL. My name is Dick Hedwall. I am from Arvada, Colorado, and I am opposed to any more closure of our public lands.

Senator WIRTH. Thank you, Mr. Hedwall.

STATEMENT OF KRISTEN OLSON

Ms. OLSON. Senator, my name is Kristen Olson. I am from Evergreen, Colorado, and I strongly support your bill. I have a statement from my husband, who also strongly supports your bill.

Senator WIRTH. Thank you, Ms. Olson.

STATEMENT OF RON WILCOCKS

Mr. WILCOCKS. Hi. My name is Ron Wilcocks. I live in Lafayette, Colorado, and I strongly support this bill. Thank you.

Senator WIRTH. Thank you, Mr. Wilcocks.

STATEMENT OF MARY WILCOCKS

Ms. WILCOCKS. I'm Mary Wilcocks, and I support your bill strongly. I have not reduced my comments to writing, but I will and bring it to your office.

Senator WIRTH. The record will be open for two weeks, Ms. Wilcocks. Thank you for coming.

STATEMENT OF RICK COOPER

Mr. COOPER. My name is Rick Cooper, and I am from Fountain, Colorado, and I support your bill.

Senator WIRTH. Thank you, Mr. Cooper.

Again, I would remind everybody that the record will remain open for two weeks. Anybody who has a statement they would like to make to follow up on your comments today or comments that you would like to make on what you heard this morning or whatever, please bring that statement by or send it to our office here in Denver or in Washington or to the committee in care of the United States Senate.

STATEMENT OF PAUL VERO

Mr. VERO. My name is Paul Vero from Boulder, Colorado, and I strongly support your bill.

Senator WIRTH. Let me ask, if we might, for those of you who would like to converse, if you might please not do so at a time when we all can hear. I think that is polite to everybody here. Thank you very much.

STATEMENT OF CAROL STANSFIELD

Ms. STANSFIELD. Carol Stansfield. I strongly support your bill.

Senator WIRTH. Thank you, Ms. Stansfield.

STATEMENT OF LINDA BABCOCK

Ms. BABCOCK. Linda Babcock from Boulder, Colorado. Strongly support your bill.

STATEMENT OF LAWRENCE CURRIER

Mr. CURRIER. I am Lawrence Currier from Littleton. I have lived in Colorado for 35 years. I fully support Senator Wirth's bill.

Senator WIRTH. Thank you.

STATEMENT OF JEANNETTE CURRIER

Ms. CURRIER. I am Jeannette Currier from Littleton, Colorado, and appreciate this opportunity to have you here, and I strongly support your bill.

Senator WIRTH. Thank you

STATEMENT OF RONALD SHAW

Mr. SHAW. I am Ronald Shaw from Lakewood, Colorado, and I would like to state that I am very much opposed to the creation of wilderness areas in areas which already have roadways that have been used by offroad vehicles for many years.

Senator WIRTH. Thank you, Mr. Shaw.

STATEMENT OF BARRY VANDERHOST

Mr. VANDERHOST. My name is Barry Vanderhost, and I am from Lakewood, Colorado. I am also an active member of the Boulder Group of the Colorado Mountain Club Conservation Committee. I strongly support your bill, and I hope I can see it passed.

Senator WIRTH. Thank you, sir.

STATEMENT OF PETER WATKIN

Mr. WATKIN. My name is Peter Watkin from Boulder, Colorado. I support your bill and hope with all my might that it is passed.

Senator WIRTH. Thank you.

STATEMENT OF ED TALBOT

Mr. TALBOT. Senator Wirth, my name is Ed Talbot from Arvada, Colorado. I would like to say I support this compromise legislation. I would like to state that my daughter would like to see the trees stay for the future.

Senator WIRTH. Thank you, Mr. Talbot. We wiil record two yesses. [Laughter.]

STATEMENT OF ROGER FLYNN, ENVIRONMENTAL LAW SOCIETY, COLORADO STATE UNIVERSITY LAW SCHOOL

Mr. FLYNN. My name is Roger Flynn, co-president of the Environmental Law Society at the Law School at CU, and we have over 70 members. We are in extraordinary support for your bill, and we thank you for pushing this through.

Senator WIRTH. Thank you, Mr. Flynn.

STATEMENT OF JOHN WOOSTER, TIMBERLINE TRAILRIDERS

Mr. WOOSTER. John Wooster, Steamboat Springs, Colorado with the Timberline Trailriders. We have held offroad motorcycle events in the area for about the past 17 years. We are opposed to the bill specifically in relation to the area directly west of the Mount Zirkel wilderness area and the Davis Peaks further study area. We do not think the expansion of that area is needed.

Senator WIRTH. Thank you, Mr. Wooster.

I am going to suspend for a minute. Could some of you please ask the people out in the corridor to suspend discussions there?

Thank you very much.

STATEMENT OF DAVID LAURENS

Mr. LAURENS. Senator Wirth, my name is David Laurens. I live in Boulder, Colorado, and I strongly support this bill.

Senator WIRTH. Thank you, Mr. Laurens.

STATEMENT OF JUDY ARMAGAST

Ms. ARMAGAST. I am Judy Armagast of Alamosa, and my husband and I both strongly support this bill.

Senator WIRTH. Thank you, Ms. Armagast.

STATEMENT OF BETH WINDELL

Ms. WINDELL. Good afternoon, Senator. My name is Beth Windell from Boulder. I strongly support this bill. We need it in Colorado. Thank you.

Senator WIRTH. Thank you, Beth.

STATEMENT OF MARY PIERCE

Ms. PIERCE. I am Mary Pierce, and I am from Aurora. I also strongly support the bill.

Senator WIRTH. Thank you, Ms. Pierce.

STATEMENT OF MICHAEL DUNCAN

Mr. DUNCAN. Senator Wirth, I am Michael Duncan from Colorado Springs. Mr. Miskel, who claimed to represent Colorado Springs, does not speak for me or anyone I know in Colorado Springs.

Thank you. [Applause.]

Senator WIRTH. Thank you.

STATEMENT OF JOE McCAIN

Mr. McCAIN. My name is Joe McCain. I am from Gardner, Colorado, and I am definitely in support of your bill.

Senator WIRTH. Thank you, Mr. McCain.

STATEMENT OF MICHAEL GOLDSTEIN

Mr. GOLDSTEIN. My name is Michael Goldstein. I am a graduating senior in wildlife biology from Colorado State University, and I strongly support this legislation.

Senator WIRTH. Thank you, Mr. Goldstein.

STATEMENT OF MELISSA RUCK

Ms. RUCK. Hello, Senator Wirth. My name is Melissa Ruck. I am a senior in wildlife biology at Colorado State University, and I strongly support your bill in favor of wildlife.

Senator WIRTH. Thank you.

STATEMENT OF RICK POOLAN

Mr. POOLAN. Hello, Senator Wirth. My name is Rick Poolan from Boulder, Colorado, and I strongly support your bill and its provision for express reservation of wilderness and water rights. Thank you.

Senator WIRTH. Thank you, Mr. Poolan.

STATEMENT OF MARY KRAWOLEK

Ms. KRAWOLEK. Senator Wirth, my name is Mary Krawolek, and I am from Lake City, Colorado, an area surrounded by wilderness. I strongly support your bill.

Senator WIRTH. Thank you, Ms. Krawolek.

STATEMENT OF SASHA RIDDLE

Ms. RIDDLE. I am Sasha Riddle, and I believe that we have a responsibility for the future generations, plus we have a responsibility for the wildlife and the environment in which they live. So I strongly support your bill.

Senator WIRTH. Thank you, Ms. Riddle.

STATEMENT OF LORI GIBB

Ms. GIBB. I am Lori Gibb, an educator and a native, and I strongly support your bill.

Senator WIRTH. Ms. Gibb, thank you.

STATEMENT OF LOCH SHANE

Mr. SHANE. I am Loch Shane from Steamboat Springs in this planet, and on behalf of all the nonhuman animals and plants, I support your bill wholeheartedly.

Senator WIRTH. We will register them all to vote, Mr. Shane. [Laughter.]

STATEMENT OF ELISE RHODES

Ms. RHODES. I am Elise Rhodes, a Sierra Club member. I believe water and wilderness will become increasingly controversial issues, and I therefore think that your bill is in the long-term interest of both Colorado and the United States.

Senator WIRTH. Thank you, Ms. Rhodes.

STATEMENT OF HARRIET MORRISON

Ms. MORRISON. I am Harriet Morrison from Golden, Colorado, and I am a geologist. I just hope we all can take a long-term view on what we are doing. I strongly support Mr. Wirth's bill.

Senator WIRTH. Thank you, Ms. Morrison.

STATEMENT OF ELAINE VICKERS

Ms. VICKERS. I am Elaine Vickers from Rudry, Colorado, and I support your bill and appreciate your determination to resolve the issue.

Senator WIRTH. Thank you, Ms. Vickers.

STATEMENT OF GREG SELICKSON

Mr. SELICKSON. My name is Greg Selickson from Boulder, Colorado. I strongly support your bill.

Senator WIRTH. Thank you, Mr. Selickson.

STATEMENT OF SUSAN THORNTON

Ms. THORNTON. I am Susan Thornton from Littleton, Colorado. I am signed up to speak later, but in the interest of time I thought I would just thank you for this proposed legislation and hand in my testimony.

Senator WIRTH. We thank you with a special gratitude, Ms. Thornton.

STATEMENT OF LARRY PENN

Mr. PENN. My name is Larry Penn from Parker, Colorado. I am an avid backpacker and strongly support your bill.

STATEMENT OF TOM TROXLER

Mr. **Troxler**. I am Tom Troxler with the Intermountain Forest Industry Association. I oppose the portions of your bill that would affect local timber industries, and I feel the release language in the bill needs to be strengthened.

Senator **Wirth**. Thank you, Mr. Troxler.

STATEMENT OF CATHY COX

Ms. **Cox**. I am Cathy Cox from Gunnison County, Colorado, bordered by Fossil Ridge, which is a proposed wilderness area. I support your bill because I know if wilderness is lost it is lost forever.

Senator **Wirth**. Thank you, Ms. Cox.

STATEMENT OF LARRY BAINUM

Mr. **Bainum**. My name is Bainum from Estes Park, Colorado, and I strongly support your bill.

Senator **Wirth**. Thank you.

STATEMENT OF DEBBIE HOLLOP

Ms. **Hollop**. My name is Debbie Hollop from Estes Park, Colorado, and I strongly support your bill also.

STATEMENT OF PAM HINISH

Ms. **Hinish**. My name is Pam Hinish from Evergreen Creek. I support your bill and look forward to more wilderness areas in Colorado.

Senator **Wirth**. Thank you, Ms. Hinish.

STATEMENT OF DAVID JOHNSON

Mr. **Johnson**. I am David Johnson from Pueblo, Colorado. I am a conservation chairman and past president of the Arkansas Valley Audubon Society. On behalf of over 300 members I want to support your bill all the way.

Senator **Wirth**. Thank you, Mr. Johnson.

STATEMENT OF SHERRI RANDALL

Ms. **Randall**. I am Sherri Randall from Evergreen, Colorado, and I am a member of the Colorado Mountain Club. I want to thank you for the opportunity to tell you that I strongly support your bill.

Senator **Wirth**. Thank you, Ms. Randall.

STATEMENT OF ARDISS ROHR

Ms. **Rohr**. I am Ardiss Rohr. I am a member of the Colorado Mountain Club, also a teacher for Denver Public Schools, and I strongly support your bill.

Senator **Wirth**. Thank you, Ms. Rohr.

STATEMENT OF DR. MARY PLASS

Dr. **Plass**. I am Dr. Mary Plass from Fort Collins, Colorado. I appreciate your leadership in this area and strongly support this bill.

STATEMENT OF LINDA LEE

Ms. LEE. Hi. My name is Linda Lee. I am from Westminster, Colorado. Just as I heard people thank the EPA for putting protection back in the proposal, I want to thank you and strongly support your bill.

One more thing. If I might ask if you would please vote against the Casan nomination for the head of the U.S. Forest Service.

Senator WIRTH. Thank you, Ms. Lee.

STATEMENT OF PAM PIERCE

Ms. PIERCE. I am Pam Pierce from Steamboat Springs, Colorado, and I would like to support your wilderness bill and the language it is written in which gives the wilderness water rights.

Thank you, and I would like to submit a statement for my husband.

Senator WIRTH. Thank you very much, Ms. Pierce.

STATEMENT OF DON RAVENHILL, COLORADO WHITEWATER ASSOCIATION

Mr. RAVENHILL. Senator Wirth, I am Don Ravenhill. I represent the Colorado Whitewater Association. We strongly support your bill including the reserve water rights. Water or wilderness without water is an oxymoron, contradiction in terms if you will, and I would like to think that I personally represent many of the future generations in Colorado who will support your position in this also.

Thank you.

STATEMENT OF TAMMY SNYDER

Ms. SNYDER. My name is Tammy Snyder. I am from Boulder, Colorado, and I just wanted to say that while every state in this nation has troubles with commerce and industry problems, very few of them have the wilderness that we have here in Colorado, and I admire your stance and I am 100 percent behind it.

Senator WIRTH. Thank you, Ms. Snyder.

STATEMENT OF ANSON PERINO

Mr. PERINO. My name is Anson Perino. I am from Fort Collins, Colorado, and I am a logger. I do not see how you can have more wilderness and more people. I do not think you have taken into consideration for the timber resources within the existing wildernesses or in future wildernesses that will be set aside. Thank you very much.

Senator WIRTH. Thank you, Mr. Perino.

STATEMENT OF KAREN LINDQUIST

Ms. LINDQUIST. I am Karen Lindquist, also from Fort Collins, Colorado, and I am here to also add my voice to this others strongly urging passage out of the committee of S. 1343. We have waited long enough. I think it has been made abundantly clear here this morning, if not to others, that the problems with wilderness, water rights for downstream areas will be settled in the future, etcetera.

We have waited long enough. Let us have this bill in this Congress.

Senator WIRTH. Thank you very much, Ms. Lindquist, and to all of those who did come up and express their views. What a remarkable diversity of community is represented here, too, and so I have a special thanks to those of you who came from a long way away on this beautiful day to express your views, and I hope you have found the discussions particularly this morning to be helpful and useful.

What we are going to do is to do a couple of more panels and then we will take a stretch break and then come back to panel 5.

Let me ask if panel 3 will come to the first row and panel 4 to the second row. Panel 3, Kirk Koepsel, John Bermingham, Leo Eisel, Joyce Laman, Tina Arapkiles, Bruce Driver, Pauline Reetz, Ken Fucek, Dan Chiras and Karen Wharton.

Panel 4 is Murray Pope, Dottie Fox, Mark Udall, Truman Young, Lucius Woods, Greta Ruge, Tony Trumbley, Joy Caudell and Steve Bonowski.

Let us start with Kirk Koepsel.

STATEMENT OF KIRK KOEPSEL, COLORADO ENVIRONMENTAL COALITION

Mr. KOEPSEL. Good afternoon, Senator Wirth. I am Kirk Koepsel. I am representing the Colorado Environmental Coalition today.

I will get right to the point of my testimony which centers around oil and gas leasing and potential oil and gas conflicts in wilderness.

Three areas have been cited in the past by the oil and gas industry as being areas that may have oil and gas potential. These three areas are the Sangre de Cristo Mountains, Spanish Peaks and the South San Juan. These are the ones that they have expressed interest in. I am going to address each of these areas individually.

According to the 1984 professional paper published by the United States Geological Survey, the Sangre de Cristos have little promise for the occurrence of oil and gas resources. The oil and gas industry disagrees with this assessment and claims that carbon dioxide reserves may exist in the area.

History actually shows that there is little interest in the alleged reserves located in the Sangres, and the March 1988 competitive oil and gas lease sale, the Bureau of Land Management put three tracts up for lease that were located in your boundaries for the Sangre de Cristo proposed wilderness. Not a single bid was received during the competitive lease sale, nor was a single bid received the next day during the simultaneous lease-sale. In fact, not a single bid was received for any of these three tracts during the over one-year period that the three tracts were available for over-the-counter purchase.

It should also be pointed out that only three lease applications and no existing oil and gas leases exist in the Sangres.

Spanish Peaks is another area that the U.S. Geological Survey found to contain little likelihood for the occurrence of oil and gas because of a lack of structural traps and the igneous activity. Once again, the oil and gas industry takes exception to this scientific study. The industry claims that the area may have potential carbon dioxide reserves. However, no development activity has ever occurred in this area and only eight oil and gas lease applications exist, and they were filed by four companies or individuals.

The last area that industry claims may have oil and gas potential is the South San Juan Wilderness additions. The U.S. Geological Survey does suggest that these areas may have potential for petroleum since two small oil and gas fields are located nearby. However, no development has occurred, no leases exist in either of these areas, and only five lease applications were needed.

Senator WIRTH. Thank you, Mr. Koepsel. You can go catch your breath.

STATEMENT OF JOHN BERMINGHAM

Mr. BERMINGHAM. Senator Wirth, I am John Bermingham from Denver. I had to go to the doctor a couple of days ago. I was limping you may notice. I had to limp in here. I have not gotten up in the mountains this fall. My knee doctor said there was some sort of a degenerative situation, and as you can tell, I am approaching middle age, and this kind of thing is likely to happen more and more. I like to get up into the mountains, but I was not able to.

I belong to a ski club, and a couple of years ago they needed new chairs and to raise the money they said if we put in $75, they would engrave a name in the back of the chair, and I plunked down my $75. The name I chose was Oh-Be-Joyful.

We need these areas. We love them. I may not get back there, but I want to know that it is there, and I want to know that it is there for my children. Thank you.

Senator WIRTH. Thank you, Mr. Bermingham.

Mr. Eisel.

STATEMENT OF ANNE VICKERY, COLORADO MOUNTAIN CLUB

Ms. VICKERY. Leo Eisel had to leave. He will be turning in a written statement. I am taking his place. My name is Ann Vickery. I am speaking on behalf of the Colorado Mountain Club, which was founded in 1912 and is the state's oldest recreation and conservation organization with over 7,500 members in 18 groups throughout the state.

I am here to convey to you the Mountain Club's state board's unanimous endorsement of Senate bill 1343 and the appreciation of each member for the time and effort you and your staff have put into this legislation.

All seasons of the year Mountain Club members are enthusiastic users of Colorado wilderness and the areas proposed in the bill.

This summer I visited the Buffalo Peaks Wilderness Study area, climbed one of the 14 areas in the Sangre de Cristo Wilderness area and took three trips into the Maroon Bells-Snowmass Wilderness, one being a trail rehabilitation on Capital Peak. That trip was arranged and the care and trail marked by club members over 50 and the peak climb was led by a member of over 60. So much for wilderness being reserved only for the young.

We have waited many years for these areas to become wilderness, particularly the Sangres, the jewel of southeastern Colorado and the cornerstone of this bill. The Sangres are threatened by oil and gas leases and by hydroelectric projects.

The Colony Lake area accessible by four-wheel drive is overused and eroded. Senate bill 1343 would place this area four miles inside the boundary and with careful management the hearing process could begin. Sirvis Creek and Davis Peak are lower wilderness areas problem with old growth trees that should become wilderness. Sirvis Creek is threatened by a new ski area.

By the way, old-timers say it is Sargice and not Service Creek.

The Colorado Mountain Club urges the Congress to make these areas wilderness. Thank you.

Senator WIRTH. Thank you very much, Ms. Vickery. The spelling is actually Sirvis. It was changed by a Forest Service cartographer who said nobody spells something Sirvis. Obviously they misspelled it. So, when this becomes wilderness, we will return it to its proper name.

Our next witness is Joyce Laman.

STATEMENT OF JOYCE LAMAN

Ms. LAMAN. Good morning. My name is Joyce Laman. I am a citizen of Denver and a native of Colorado. I am speaking as a private citizen. I am speaking in support of this wilderness bill.

Often we debate the specific issues and the nitty gritty, and I want to encourage us to focus on the big picture also.

We continually add more people to our country and to our state and population growth means more pressures on our land and more pressures on our resources. It has often been the habit of the citizens and the government to ignore the impacts of population growth where those impacts are very real. We really do need to set aside our wild lands and our wetlands and our resources to preserve them for future generations for our children, for our grandchildren and for generations beyond that which we have no concept of. And I really encourage and support this bill and thank you for your time.

Senator WIRTH. Ms. Laman, thank you very much.

Ms. Arapkiles.

STATEMENT OF TINA ARAPKILES

Ms. ARAPKILES. I am Tina Arapkiles, and I appreciate the opportunity to speak today in favor of your bill. I am advocate of wilderness, not only because I enjoy backpacking and the wilderness experience of solitude and serenity, but because wilderness is preserved as the original Wilderness Act of 1964 so wisely states for its "ecological, geological or other features of scientific, educational, scenic or historical value."

As modern man encroaches upon every corner of the earth with permanent alterations to the natural ecosystems, it is wise and indeed we are compelled to preserve some ecosystems intact for our benefit, not for our benefit as a human species, but for the integrity of those ecosystems themselves, for the wildlife, the plants, the insects, down to the smallest microbe. They all deserve refuge from industrial man. And as recreational use of our existing wilderness increases, I would like to point to a GAO study in September of 1989 which indicates that the recreational use of wilderness is increasing.

We need to increase our wilderness system. One simply needs to go to the Indian Peaks wilderness, the Snowmass wilderness or Mount Zirkel wilderness to experience wilderness that is becoming trampled by man.

I would like to see the boundaries of the proposed wilderness expanded to include larger and more complete ecosystems than the rock and ice areas that are now proposed. Thank you again, Senator Wirth, for your wisdom and for your vision of the future.

Senator WIRTH. Thank you, Ms. Arapkiles.

Mr. Driver.

STATEMENT OF BRUCE DRIVER

Mr. DRIVER. My name is Bruce Driver. I am a lawyer in private practice in Denver, Senator Wirth, but I am here to speak on my own behalf today. I am here to strongly commend you for including the Oh-Be-Joyful area within S. 1343.

I happen to know that area well, having hiked and skied into it from virtually all directions in basically every season of the year. The area is one of those places that cries out to be protected for its wilderness values.

For example, in the south end of the upper basin is a gorgeous high mountain lake called Blue Lake. It sits at the foot of the Ruby Mountains that rise 13,000 feet and above to the west. During the afternoons when the sun is out, the lake reflects these mountains. It is a great place to be. It is pretty damn spectacular and ought to be protected.

The north end of the basin is different. It is primitive and looks like Alaska or even higher reaches of a place like Nepal. I have seen it knee deep in snow about August 15th with cascades of water running down through walled reddish rocks. All of this is a mere stone's throw away from downtown Crested Butte basically, an easy day walk from town.

It is hard for me to visualize a place that could be more suitable for protection from the excesses of mankind than that particular Oh-Be-Joyful area. I hope you will fight heard to keep it in your bill as the bill goes through the legislative process, and if I can be of any help in that struggle, just let me know. I will be pleased to pitch right in. Thank you.

Senator WIRTH. Thank you very much, Mr. Driver.

Ms. Reetz.

STATEMENT OF PAULINE REETZ

Ms. REETZ. Good afternoon. My name is Pauline Reetz, and I live in Denver, Colorado, and today I have the pleasure and the privilege of representing just myself and my family. We appreciate the opportunity to speak regarding your bill.

We very strongly support it, especially designation of Buffalo Peaks, Moss Creek, Oh-Be-Joyful and Williams Fork. These are places we have hiked in and we have enjoyed greatly, and I do not think there is any doubt of the fitness of any of your areas for wilderness, but I mention those four particularly because we know them.

Colorado used to be a leader in wilderness issues, not just in 1979 and 1980 but also before that. Even in 1939 Secretary of Interior Harold Ickes wrote the first national wilderness preservation bill ever devised, and the Senate sponsor of that bill was Alva B. Adams of Colorado, and lately several members of our congressional delegation—not you, obviously, Senator—have forfeited that leadership by letting the designation of additional wilderness be delayed by a wide spectrum of special interests while the broader public interest is ignored.

We could regain our leading role with this bill, and since I last testified on a wilderness bill my husband and I have become the parents of two small children, and we have had ample opportunity to test the myth that is promoted by wilderness opponents that young and athletically fit elite can only use wilderness, and our sons have been going into wilderness areas since they were two months old, and they have enjoyed it, and I must say it is a great relief to be somewhere where you do not have to worry about motorcycles, truck scars or any other motorized vehicles. It did not require a lot of money or athletic conditioning to get them there. It just required determination and persistence.

And so, I would ask for your determination and your persistence in passing this bill. Thank you very much.

Senator WIRTH. Thank you, Ms. Reetz. We are trying.

Mr. Fucek.

STATEMENT OF KEN FUCEK, COCHAIRMAN, PLAN BOULDER COUNTY

Mr. FUCEK. Senator, my name is Ken Fucek, and I am a co-chair of Plan Boulder County, an environmental organization with 350 members in Boulder County. I am also here today representing four brothers and two nephews in Texas who come here every year and hike the wilderness areas with me.

I have had the opportunity over the last two weeks to reread Roderick Nash's book Wilderness and the American Mind. This has reminded me that this battle for wilderness preservation is almost as old as this country. What is frustrating about this battle is the arguments of those who oppose the creation of wilderness. Those arguments have not changed in all this time and are still rooted in a sense that economic development must come at the expense of our last wild and open lands.

Even Horace Greeley in 1851 recognized the folly of such actions when he said, "Friends at home, I charge you to spare, preserve and cherish some portion of our primitive forest for when these are cut away, I apprehend they will not easily be replaced."

I cannot put a dollar value on wilderness, nor do I think anyone can. For over 100 years wilderness arguments have been rooted in spiritual values. If we must decide on our wilderness preservation on the basis of money decisions, than our fear of wilderness areas and we as human beings must lose.

I have faith that our values are stronger than that. I ask you to continue your fight for Colorado's wilderness areas, and I plead with Senator Armstrong to recognize wilderness beyond its economic importance. Howard Zanheiser said it best in 1964 when he argued in favor of wilderness by saying, "We are not fighting progress. We are making it."

Thank you for this opportunity to speak today.

Senator **Wirth**. Thank you, Mr. Fucek.

Mr. Chiras.

STATEMENT OF DAN CHIRAS

Mr. **Chiras**. My name is Dan Chiras. I am from Evergreen, Colorado. As I was thinking about what to say up here, it occurred to me that everything has been said about wilderness on both sides. We are not going to shed any new light on the value of wilderness. We all understand it. To me we just need more wilderness.

We have got a growing population. We will probably be at least 50 or 60 million additional Americans in the next 50 or 60 years. We need places to get away. Wilderness offers us beauty, it offers us scenery, it is a place where we can find some peace and solitude, but most importantly it offers us connection.

It seems to me that the conventional wisdom suggests that the popular wisdom suggests that people are apart from nature, not a part of nature, and I think that we are discovering that we are really not visitors on the planet. We are an integral part of the planet. We are indeed a part of nature.

Wilderness provides that humbling experience, an experience where we can discover the connections, discover that humans are not a crowning achievement of nature, but simply another part of nature. And so it is humbling and uplifting. We need more nature. We need more wilderness.

When I look around at the scars from clear cuts and the deforestation and mines, I have to wonder what we are leaving for our children, what kind of world are we leaving for our children. We are not so rich that we can afford to destroy wilderness, nor are we so poor that we need to.

I urge you to continue the battle, and I appreciate your efforts.

Senator **Wirth**. Thank you, Mr. Chiras.

Ms. Wharton.

STATEMENT OF KAREN WHARTON

Ms. **Wharton**. My name is Karen Wharton, and I live outside of Denver in Cold Creek Canyon. I read recently that 94 percent of our land is available to urban developers or mining interests or logging interests or water developers or ranchers or cars or trucks or motorcycles or snowmobiles.

If your bill passes, we will have 6 percent of Colorado's lands being able to be off limits to those interests. Those 6 percent of the lands would remain a living museum for our children and their children to learn what the earth itself looks and feels and sounds like when it is not being fiddled with in any way.

Wilderness is one of the things we cannot rebuild or build after we tamper with it. If we even think we might want our children to enjoy quiet, natural lands, we need to agree now to preserve this 6 percent from slipping away and to support this legislation.

Senator **Wirth**. Thank you very much, and I thank very much our third panel. And let me—I am going to shift the rules a bit. I am told that we had promised elected officials that at 1:30 or thereabouts any of them that wanted to testify so that we could plug them in—and a number of them are here—and I would hope that any elected officials who are here might feel free to join us for their time on the list.

I have Representative Wayne Knox from Denver, Representative Pat Killian from Jefferson County, Representative Steve Ruddick from Aurora, Mr. Joe Sands, Summit County Commissioner, Mr. Bud Gates, Eagle County Commissioner, Ms. Josie Heath, Boulder County Commissioner, Mr. Frank Weddig Aurora City Council, Mr. Anthony Martin, Jackson County Commissioner, Representative Jim Pearson from Jefferson County, and maybe I could ask each of you if you would like to—the rules of the committee, if you all have not been here, we will include your statements in full in the record and make sure that that is entirely done. And any further comments you might like to have, the record will remain open for the next two weeks to include those.

We greatly appreciate your being here and perhaps in the order in which you all have expressed an interest, I would ask Representative Wayne Knox from what I believe is the second legislative or third legislative district to testify.

STATEMENT OF HON. WAYNE KNOX, STATE REPRESENTATIVE, DENVER, CO

Mr. KNOX. Thank you very much, Senator Wirth, and it is a pleasure to be here as a longtime member of the state legislature, a recently retired public school teacher and a Colorado native. I am very proud to support, very enthusiastically, Senate bill 1343. As a native Coloradan I am very proud of the state in which I live.

As a social studies teacher I look a little bit at the long-range history of the state and think of wilderness as it existed under the native Americans and under the early explorers who came here, and even as it existed at the time of my birth, and I think of the changes that have taken place, the loss of wilderness lands both in Colorado and in our nation during my lifetime.

I am very concerned about what we are going to be passing along to future generations, and I think it was so very important that we do be doing whatever we can to add to and preserve as much as we can by way of wilderness for those in the present and those in the future.

I am well aware, Senator Wirth, of your efforts in many regards to try to work out balanced legislation and compromises on very complex matters and looking at Senate bill 1343 I feel you have done a very commendable job in terms of trying to balance the interests in that bill, and I am delighted to be able to support it. Thank you.

Senator WIRTH. Thank you very much, Mr. Knox.

Ms. Killian.

STATEMENT OF HON. PAT KILLIAN, STATE REPRESENTATIVE, JEFFERSON COUNTY

Ms. KILLIAN. Thank you. I am Pat Killian, a state representative from Jefferson County. I represent a House district in Colorado that is established, long-term, suburban, that covers some six different municipalities and unincorporated areas. It runs from the east sides of Table Mountain to the borders of Denver and parallels both sides of Clear Creek.

We have a very strong commitment in my area that a person is responsible for their own well-being and to do well in society. We also have a very strong sense that we have a responsibility to do well for other people as well as for ourselves, and part of that commitment comes from the sense that our children and our grandchildren deserve the same kinds of wonderful things that occur in Colorado, the uniquely Colorado vistas and mountains and waters, and we would like to preserve them. And in order to substantiate what I am saying, yesterday I took a small unofficial poll of people within my house district, Republicans, Democrats and unaffiliates. I contacted—we contacted 40 people. Of those 39 were very strongly supportive of the wilderness bill, one was not supportive because they thought—we think they thought that it revolved around condemning private lands, so they misunderstood that issue, but it is 39 to one strongly in favor.

As backup to this I would like to say that the 57th General Assembly, of which I am a member, on April 12th passed a water bill which may be helpful for the people who are concerned about long-term effects should there ever be any that might be negative on water users. The bill we passed allows water conservancy and water conservation districts to transfer, lease, exchange, construct and use water with other potential public governmental entities. So, there is a possibility of all kinds of water exchange should there be a pocket discrepancy somewhere, we have allowed that now within Colorado law, and that might be of some interest anyway.

My constituents seem to think the time is now if not yesterday. Please, let us save some of Colorado for the next generation to come. Thank you.

Senator WIRTH. Ms. Killian, thank you very much. I am not sure that Steve Ruddick was able to get here.

Our next witness is Joe Sands, Summit County Commissioner.

STATEMENT OF JOE SANDS, COUNTY COMMISSIONER, SUMMIT COUNTY, CO

Mr. SANDS. Thank you, Senator. I am Joe Sands, Summit County Commissioner. I am here to endorse Senator Wirth's wilderness bill. After careful study I find it supportable in its entirety and with no reservations. That is the short version.

Now, if I may elaborate on that, I am speaking as a Summit County commissioner. We only do Summit County Board of Commissioner endorsements when all three of us agree. We have two out of three in favor of your bill.

We realize this is a hot item on the political circle. I am a friend of Tim Wirth, but I am nobody's yes man. I can find some things even he and I disagree on.

I certainly consider myself an environmentalist, but I am not here speaking necessarily for that community. They have some leadership problems I would love to talk about, but I am really here because of the disinformation that I as a public official have seen in the special districts and in CCI with a lot of respectable people out there in the public sector who are hearing a version of this that is not all facts.

A lot of misinformation and foreign agenda that is quite honestly a separate agenda from the wilderness bill and facing here, I have read it. I have read its specifics. It does not have the problems they say they do.

I am wearing a mining belt buckle. I am a proud past member of the Society of Mining Engineers for 11 years. This bill is not an anti-mining bill. It is not a problem in the specific entities involved.

I am a forest technician. I am a proud supporter of the Gifford-Pinchot principle of multiple use for some lands. This bill is not an anti-forestry/anti-logging bill. It can work, it will work. The properties involved are not a problem.

What I really want to talk about, Summit County has a successful tourism economy. This state is a successful tourism economy. This tourism depends upon keeping the kinds of things that this bill is.

The Japanese investors, the foreign tourists, they come here because of their concept of what the West is. That is what this bill is.

Lastly, the biggest issue out there is water rights. I am avid student of water activities. The issues at hand are all wet. They are being supported by honorable and respectable people who mean well, but they are being misled for reasons that are on a wider political agenda than the ones they are being led to.

In conclusion, it is those issues that I ask you to reflect upon. There are other political machinations and people who are fighting the wilderness battle of old instead of seeing where the future is going. This is not your father's wilderness bill. This is the next generation. Support it. Thank you. [Laughter.]

Senator WIRTH. Thank you.

Bud Gates, Commissioner in Eagle County.

STATEMENT OF BUD GATES, COMMISSIONER, EAGLE COUNTY, CO

Mr. GATES. Thank you, Senator. While I am a commissioner of Eagle County, I would like to testify only as an individual today. I am not representing Eagle County.

I would like to give you a little bit of background. My grandparents homesteaded in the Burns area in the 1880s. We have been here ever since. I have lived with the land. I have lived with the wilderness area next door. I think I can speak not emotionally on either side, but with a great deal of knowledge to give to the people.

I am a little bit concerned that a lot of the people that testified perhaps have gone. I would like for them to have heard the message I have.

While I am going to testify as an individual against the Senator's bill as such, I would like to explain that as I go along. It will sound perhaps at times that I am speaking on both sides. I think I have been a good steward of the land. I claim not to be an environmentalist. I claim to be a conservationist. By that I mean managing our resources for the beneficial use of all our resources.

I think—wilderness to me is a very emotional concept. I think, in fact, that a lot of us are in love with the idea of wilderness when I do not think we really understand all the impacts that it pushes on, perhaps, other people.

We have come to this point in time when there is enough people that we have come to push and shove without trying to address the concerns and the impacts on the other people. I am speaking of such issues like water to the municipal areas, agricultural use. They are saying agriculture has 80 to 90 percent of water. Why do we not just take some of agriculture's water. We do not need agriculture at this point in time anyway.

I would say to you if you would study what impacts that has on wildlife, on recreation, on your return stream flows to your underground aquifers, you would not make that statement. I still think we have to protect the first in time and first in right concept.

When I hear such terms as the high social and economic beneficial use and official use or deficient use, I should say, I get a little bit concerned because I have people driving by my agriculture and they say the water is running back to the stream. In fact, they probably do not need that.

80 percent of agriculture water is return to the stream somewhere down the line. We use the old phrase at this point in time and with the information we have before us, we cannot seem to make good judgments on our past experience. How can we judge too far in the future.

I have lived in areas that have had the Emerald Lake fire, similar to the Yellowstone, and let me wind up saying that we have learned that nature cannot survive on its own without some management, and we certainly cannot live without nature. Let us protect it for all of us. Thank you.

Senator WIRTH. Thank you very much, Mr. Gates.

Josie Heath, Boulder County Commissioner.

STATEMENT OF JOSEPHINE W. HEATH, COUNTY COMMISSIONER, BOULDER COUNTY, CO

Ms. HEATH. Senator Wirth, members of the panel, distinguished members of the audience, my name is Josie Health. I am the Chair of the Board of County Commissioners for Boulder County. I am officially speaking on behalf of the Board of County Commissioners, which on the 26th of October unanimously supported Senator Tim Wirth's bill, number 1343, for the following reasons.

First of all, it has been our privilege in Boulder County to enjoy wilderness area as part of the Indian Peaks. We in the county are very diverse—over 750 acres of very diverse territory, everything from plains of national agricultural importance to the high mountain tundra in the west, and yet unanimously in the 11 cities and towns and with people throughout the country, we recognize the enormous economic, environmental and almost spiritual benefits of wilderness.

First, economically, for those of us in the county who sustained major economic losses in 1985 and worked closely with the western part of our county to rebuild, when we thought about what was it that we needed first to create jobs and business and commerce, people thought of the wilderness area and the attraction that that presented.

I personally as County Commissioner have the responsibility for maintenance of the road to that wilderness area, and I can tell you people in this area are loving that place to death. We need more. We need more access, we need more opportunity and destination for wilderness. People seek it for their families and for that part of their lives which is enriched by touching the wilderness. The economic values of it are substantial.

The second part of it I want to speak to is almost the spiritual and environmental aspects for the people of Colorado. We know that the wild places of this earth, the quite mountaintops and meadows, the raging streams and tricking streams must be untrammeled in certain parts of our nation by the threat of development. Much wilderness is being lost as we continue to debate this issue.

We need the leadership from the Senate of this country to speak out before this wonderful piece of land and pieces of land are gone and gone forever. It is not a commodity that can be purchased again when we rethink this matter. Once it is gone, it is gone forever.

We urge you to consider passage of this as we urge other members of the Colorado delegation to join us for the economic, environmental and human needs that are met for the persons of this state and this country. Thank you very much.

[Resolution No. 89-168 follows:]

RESOLUTION NO. 89 - 168

SUPPORTING THE PASSAGE OF SENATE BILL 1343 BY THE UNITED STATES CONGRESS

WHEREAS, the citizens of Colorado have a great opportunity to add significantly to the wilderness preservation system in Colorado for themselves and future generations in U.S. Senate Bill 1343 sponsored by Senator Tim Wirth; and

WHEREAS, the designation of wilderness areas defined in this bill will preserve for present and future Coloradans and Americans valuable scenic areas, wildlife habitat, alpine lakes, riparian habitat, and geological and archeological areas of importance; and

WHEREAS, this bill provides for the designation of 18 new wilderness areas, totalling 751,000 acres; and

WHEREAS, Senate Bill 1343 provides both for water rights important for the protection of the wilderness areas created in this bill, as well as assuring that private water rights acquired through the appropriation system protected by the Colorado Constitution are not adversely affected;

NOW, THEREFORE, BE IT RESOLVED that the Boulder County Board of Commissioners publicly supports the passage of Senate Bill 1343 by the United States Congress.

ADOPTED this 26th day of Oct., 1989.

BOARD OF COUNTY COMMISSIONERS

Josephine W. Heath
Josephine W. Heath

Ronald K Stewart
Ronald K. Stewart

Homer Page
Homer Page

ATTEST:

Carol K. Gardinier
Clerk to the Board

Boulder County
750 sq. miles of plains and mountains
BOCC unanimously supports SB 1343

Senator WIRTH. Thank you very much, Ms. Heath.

Frank Weddig, Aurora City Councilman. Is Frank here?

[No response.]

Senator WIRTH. Anthony Martin, Jackson County Commissioner.

STATEMENT OF ANTHONY MARTIN, COUNTY COMMISSIONER, JACKSON COUNTY, CO

Mr. MARTIN. Thank you. I have a letter here from the Board of County Commissioners, and this letter supports the whole board's view. It is six pages long, and so I will reduce this down to——

Senator WIRTH. We will put it in full in the record.

Mr. MARTIN. For many years the Board of County Commissioners of Jackson County have repeatedly gone on record as being opposed to designation of additional wilderness area in Jackson County, Colorado. Our numbers are few in Jackson County, and it is becoming increasingly more apparent to us that the economic well-being of the small county will be overshadowed by the political expediency of satisfying the demands and the insatiable appetite of the preservationists who set aside more and more lands to be enjoyed by a select few.

Approximately 75,650 acres or nearly 23 percent of all the National Forest lands in Jackson County are already included in five designated wilderness areas. The proposed additions in your bill would result in over 30 percent of all the National Forest lands in our county being committed to restricted use. When is enough really going to be enough?

It always seems ironic that initial inventory in Jackson County as being potentially suitable for wilderness designation by professionals on the ground with knowledge of the local area never shrink in size, but invariably expand outside the initial study area boundaries.

Apparently each proposer of the boundary feels that he has more extensive knowledge of actual ground conditions than that of the Forest Service personnel who first had knowledge of the area.

Automobiles, Jeeps and motorbikes provide the only way that many handicapped and elderly Americans can enjoy some of the natural beauty of our national forests.

Because water rights associated with non-headwater downstream wilderness areas were not thoroughly analyzed and considered in past congressional wilderness legislation, we in Jackson County now have the distinction of having the only downstream wilderness area in Colorado, the North Platte wilderness, reserved water rights for the non-headwater downstream wilderness areas would significantly limit Colorado's ability to develop new water supplies, administer water diversions, and the effective management of Colorado water resources through trade and exchange. A federal reserve water right for the North Platte wilderness would be devastating to our local area.

Any new Colorado wilderness legislation must clearly state that there are no implied or express water rights for wilderness proposals attached to the—now I lost my place—proposals attached to the water of the North Platte River in Colorado. It is our opinion that there should not be any federal reserve water rights for any existing wilderness area or any newly created non-headwater wilderness areas in Colorado.

We do not feel that your bill will provide the significant language necessary to protect the existing water rights. It is this board's opinion that there has been a drastic movement away from the original intent and standards of the Wilderness Act of 1964 in determining the suitability—the suitable areas for designation. This has resulted in the imbalance between preservation and restriction and the needs of economic and industrial development which will enable all Colorado residents to survive and prosper. Thank you.

Senator WIRTH. Thank you, Mr. Martin. If I might for the record, I might ask you on behalf of the Jackson County Commissioners if you might—we have attempted to solve the North Platte problem that arose in previous legislation. We were requested to do so, and we have attempted to do so.

This legislation does not touch the North Platte, but there are problems that occurred in previous legislation, and we are trying to sort those out on your behalf. We would appreciate any comments that you all might have as to the adequacy of the language in the legislation to solve the problems that exist on the North Platte.

We recognize that there are some from previous legislation, and we are trying to sort that out. So, we would appreciate your comments.

Second, related to your testimony today, we would also appreciate for the record how the wilderness provisions and the specific wilderness areas in the legislation in front of us adversely affect water interests in Adams—Jackson County. We would like if you could tell us specifically how that happens for the record, and the record will be open for that, and we would appreciate that input.

Mr. MARTIN. We will do that.

Senator WIRTH. Thank you very much, Mr. Martin.

Representative Jim Pearson, another member of the Jefferson County delegation.

STATEMENT OF HON. JIM PEARSON, STATE REPRESENTATIVE, JACKSON COUNTY, CO

Mr. PEARSON. Thank you. I am just a legislator. I have been a teacher for 26 years in Jackson County, and I think I want to address something just slightly different from what has been mentioned. Maybe everything probably has been mentioned, but maybe I could give just a little bit differently.

I think that the case that I want to make is the case that I made when I ran last year, and that was that we do not have to say that environment and economic development are somehow in competition with each other. I am a firm believer that it really takes the two working together, that we cannot successfully have a healthy economy here in Colorado without really dealing with our environment and, of course, we could not go forth and go to great expense in taking care of our environment if we did not consider the economic impact of it. At the same time, they work hand in hand together.

I cannot speak as Representative Knox and say that I am a native born Coloradan. I was raised in Oklahoma and came out here in 1963. We came out here because we liked this state and we liked the condition of this state, and we wanted it to be like it was in 1963, and it is not like that now. A few years later we suddenly became aware of a thing called the brown cloud.

You know when people come to visit this state, they come and they land at Stapleton or maybe a new airport later on, but when they land they see this awful brown cloud that we have, and they are very, very puzzled at what they have come to see, and what I really do believe is that they want to get out and see that wilderness. They have a picture of a wilderness that was the picture people had years ago when we first started with our national parks, our national forests, our national grasslands, our national monuments.

When we started doing that the whole idea was we started—we needed to somehow preserve a living natural history that people could come and see when people come to Colorado that is what they are thinking about. People come here. They may be disturbed with what they see in the Denver area, but they get out into the wilderness. They may not visit a wilderness area, but they feel that they are there. They know that they can see it in the distance, and they have this special feeling that tells them that they are going to return again and again, and I think we could work together.

Boy that red light comes on fast, does it not? We can really work together on this and help out our economy and get people to come back to this state, and we will be successful. And I think it will very much help the people throughout the state, not just in the metro area.

Senator WIRTH. Jim, thank you very much for being with us.

Marsha Hadenfeldt, a City Councilperson from Glenwood Springs. Marsha, thank you very much for coming down.

STATEMENT OF MARSHA HADENFELDT, CITY COUNCILWOMAN, GLENWOOD SPRINGS, CO

Ms. HADENFELDT. Thank you, Senator, and thank your staff for searching me out. We appreciate your holding these hearings in Denver so that people from across the state can address you.

My name is Marsha Hadenfeldt, and I am a member of the Glenwood Springs City Council, although because of short notice I am speaking on behalf of my convictions today.

I endorse Senator Wirth's wilderness bill number 1343 because I see it as a most important compromise in the land use decisions affecting our state. In this the 25th anniversary year of the Wilderness Act, it is most appropriate that we finally settle the status of 750,000 more acres of land to be saved as wild and undevelopable. Would that we could save even more land, but if not now, at least preserve what we can.

Along with my husband I own and operate a mountaineering store in Glenwood Springs. Therefore, I address the economics of wilderness by saying that although there are some whose income is derived from developing, mining, logging and other consumptive land uses, there are many of us dependent on open spaces for back county use by which we can earn our living.

There remain far more acres for so-called resource management and what is termed multi-use than these few acres proposed to be set aside for more subtle use.

Clean water is a precious resource, and Senator Wirth's bill has taken into consideration that there could be water rights to be honored in areas surrounding the wilderness boundaries. Yet, this bill allows for a small percentage more of lands through which water can flow unpolluted and unconsumed.

In conclusion, having learned of the fine art of compromise both in my business and government positions, I would recommend passage of 1343 with the adage wilderness for wilderness' sake. Thank you, Senator.

Senator WIRTH. Thank you very much, Marsha.

Wellington Webb, the Auditor of the City of Denver, had asked to testify. He unfortunately at the last moment could not be here and asked if Ted Gleickman could speak for him. Is Ted here?

STATEMENT OF TED GLEICKMAN

Mr. GLEICKMAN. Thank you for this opportunity, Senator. Denver Auditor Wellington Webb formerly served three terms in the Colorado legislature where he also chaired the house committee on health, environment, welfare and institutions. Auditor Webb has a longstanding interest in protecting and enhancing Colorado's environment through supporting clean air, clean water and expansion of wilderness areas. The Auditor is also a member of the board of trustees of the Foundation of State Parks. The Auditor's testimony is as follows:

As a resident of the beautiful state of Colorado and a trustee of the Foundation for State Parks, I strongly endorse Senate Bill 1343, sponsored by Senator Tim Wirth.

The compromise water rights language in this legislation does not appear to impact any justifiable development plan. Rather, it is a pragmatic approach that is fair to all involved, and I urge the Senate to approve it quickly.

There is a proverb from the ancient civilization of Kenya which holds a lesson for today: "Treat the earth well. It was not given to you by your parents. It was loaned to you by your children."

I do not see this legislation simply as an environmentalist bill. It is a human conservation bill. Wilderness is an ecological necessity, an environmental enhancement, a clean water obligation and, perhaps most importantly, it is a debt that we owe to our children.

Wilderness, therefore, should not be considered a luxury in America; it should be considered vital. We must not take a short-term profit perspective toward this precious natural resource. We need to be able to show the youth of our society the source of our place on the earth. We need to be able to teach them the peace of mind that comes with an understanding and acceptance of nature.

I am here today—I am here on the Auditor's behalf—to thank my children and my grandchildren for loaning my share of the earth to me. It is my desire to see to it that they, too, will one day thank their children and grandchildren. Preserving pristine wilderness is at the very heart of this invaluable loan.

Senator WIRTH. Ted, thank you very much.

We have had in the process of setting up this hearing had invited all of the members of the Colorado congressional delegation to testify, and we also invited all of the people who were running for seats in the congressional delegation to testify, and two of them are with us today, Mr. Buie Seawell, who was formerly assistant to Senator Hart and ran the program for energy for Governor Lamb is with us. Buie.

STATEMENT OF M. BUIE SEAWELL

Mr. SEAWELL. Senator, thank you. I am Buie Seawell. I am a candidate for the United States Senate, and I would request that the remarks which I have in writing be submitted for the record.

Senator WIRTH. They will be included in full.

Mr. SEAWELL. I rise basically to support Senate bill 1343, and I do so for three very specific reasons. One, I have a history with similar legislation. It was my job as administrative assistant to Senator Gary Hart to coordinate the work of the eight offices of the Colorado delegation on similar legislation that finally failed due to the lack of support given by Senator Armstrong at the end of the 1984 session.

I consider that one of the saddest moments in my own history in working in the United States Senate and with the Congress, and it seems to me in reflection that it was a sad day for Colorado. We should have moved forward as did four or five other Rocky Mountain states during that period of time to secure these invaluable, irreplaceable resources for ourselves and for the posterity of this state. That we did not it seems to me in direct statement was due to politics and not to the environment and not to the legitimate concerns of this state.

That we have reached 1989 and these matters are still not resolved is frankly absurd. And, secondly, the issue here does not have to do with the boundaries. All of those who have worked in the past and in the Congress have been sensitive to the issues of boundaries. You have been more so than anyone I have observed in my 20 years in this state.

The issue comes really to the question of water as we all well know, and there has been an attempt, it seems to me, Senator, on both sides for those who have interest in water, which all of us do in Colorado, to attempt to resolve questions not before this bill within the structure of this bill, and I admire the compromise job you have done in saying very clearly those issues should not be resolved here, issues of downstream water, BLM land downstream. Those issues should be resolved at the time such legislation is before us.

Here it is not. We deal with upstream watershed areas where both the quality and quantity of water for the people of Colorado is protected.

And then finally and very briefly, I support this bill because I believe in the future of the great state of which we are a part and that we today live in a time where every issue to be dealt with in this state and in this country will have an edge to it that will be tough, will be difficult, and we cannot straddle the fence either of wilderness or the arsenal or choice or any other question.

It is not a pleasant time to do politics, but anyone standing for the office of United States Senate should be as bold as yourself and say where they stand and make it clear they stand for Colorado. Thank you very much.

Senator WIRTH. Thank you very much.

We are also honored to have with us Mr. Carlos Lucero, attorney from Alamosa, former president of the Colorado Bar Association. And I believe he has formed an explanatory committee to examine the possibility of running for United States Senate.

Mr. Lucero.

STATEMENT OF CARLOS LUCERO, ATTORNEY

Mr. LUCERO. Senator, good afternoon.

I want to commend you for the introduction of this bill, and tell you that with respect to the wilderness designation in the bill, I am 100 percent in support of that wilderness designation and commend you for that. With respect to the reserved water right issues let me make this comment and a take a formal position with respect to that aspect of the bill as well.

In 1984, when the Sierra Club had its litigation pending on the issue of reserved water rights, I said very clearly at that point that I felt that the whole issue of whether water in the upper wilderness areas should be designated reserved was a real bogus issue.

That it was clearly nonconsumptive use of water that was occurring in the upper wilderness areas, and that, in fact, Colorado went quickly to get past that argument.

I think your bill does it very nicely, and I commend you for that. With respect to the downstream wilderness areas, it was my position then, and continues to be, that that issue ought to try to be resolved, if it could be resolved.

I know you made a mighty effort to try to get both sides of the issue together to compromise on that issue. And if I were in the U.S. Senate, I would try to give it one more shot.

I think that we ought very clearly to come to not have a Republican position or Democratic position on the issue of downstream wilderness water rights. But, rather, that we ought to come to a Colorado position, if we can.

On the other hand, if we are unable to arrive at a resolution of that between the competing interests, and I were in the U.S. Senate, and the issue was presented to me, I would vote for the bill as presented.

Thank you.

Senator WIRTH. Thank you very much, Carlos.

Let us move on to our promised next panel. And we thank all of our distinguished public servants for being with us. Thank you very much for coming.

There is also, we can see a very broad diversity of opinion on the issue.

If panel number four could move to the front bench. What we are going to do after panel number four, is to take a quick break.

So, we will move through this panel, and then take a quick break and go on.

Murray Pope is our first witness from this panel.

Murray.

STATEMENT OF MURRAY POPE

Mr. Pope. My name is Murray Pope, and I live in Pitkin County on the western slopes of Colorado and I strongly support this bill and commend, strongly, Senator Wirth for introducing it.

I would just like to emphasize a few points. One, all the areas in the bill have been thoroughly researched and evaluated, and all are qualified for wilderness designation.

Two, tourism is rapidly becoming a prime and stable factor in Colorado's economy. Protection of our natural resources from the traditional boom and bust exploitation and degradation is essential to this trend.

And wilderness designation is essential to achieve its protection over the long range.

Three, all valid and controversial water rights questions are addressed and reasonably resolved by this bill. We have heard a lot of strange economic numbers thrown around by opponents of this bill.

Wilderness designation keeps the land open. It does not lock it up, the way often subsidized logging and the extraction industries do. We have heard that it discriminates against senior citizens.

Speaking as a senior citizen, I believe we must protect this land for future generations and not give in to the demand for short-term profits for a few.

We do not need mechanized transport to every corner of our land. This is a sound bill. The time to protect these valuable resources is now, surely, adding an approximately 1 percent of the state's total land to the wilderness system is not asking too much.

I personally, therefore, respectfully urge this committee to take whatever steps are necessary to ensure swift passage of this bill.

Thank you very much.

Senator Wirth. Thank you very much, Mr. Pope.

Ms. Fox.

STATEMENT OF DOROTHY FOX

Ms. Fox. I am Dotty Fox from Old Snowmass. It is quite amazing that 25 years ago, that this country had the wisdom and the foresight to set aside lands to be left in their natural state, and to be legally designated wilderness by Congress.

Unfortunately, these lands are only bits and pieces scattered throughout the country. As the population grows this bits and pieces become more and more important. Important to recreationist, to scientist, to wildlife, to plant diversity, to water sheds, and are now being recognized as vital towards the slowing up global warming.

There is 750,000 acres of qualified lands that are waiting to be declared wilderness. Conservationists have reluctantly agreed to give up some of these areas, as Senator Wirth has introduced Senate Bill 1343, which resolves the water rights issue.

This is Colorado's last chance for more wilderness before the short-sighted developers remove these lands from wilderness consideration forever.

A narrow-minded development-oriented minority should not have this opportunity, when 85 percent of Colorado residents in a recent survey have declared they want more wilderness.

I thank you for all the work towards this bill, and I urge the immediate passage.

Senator WIRTH. Thank you very much, Ms. Fox.

Mr. Young.

STATEMENT OF TRUMAN YOUNG

Mr. YOUNG. I am Truman Young from Denver. I wanted to say that we citizens of the cities badly need places to escape from the noise and the stench of what we jokingly call civilization. And the only place we can find it, be assured of finding that escape, is in the wilderness areas.

Sure there are plenty of places still beautiful and still pristine up there. But, how long will they remain so, if they are not protected?

We badly need this kind of—this designation. As for economics, I moved to Denver in the early 1950s precisely because of the wilderness values I found in these beautiful and magnificent mountains at that time.

I lived here, I bought a house, I have lived here all these years. How many other people have lived—come to Colorado to the front range cities, and have lived here precisely because of similar values and found in these mountains.

I have never seen any statistics on it, but I am sure it must be very large. And these people really love and appreciate these wonderful wilderness areas. As for escaping these off-road vehicles, they carry all the noise and stench of civilization right with them, everywhere they go.

And so, if you are going to find escape, you have got to get away from them. Again, economics. I went on, at least, three trips to Wyoming just to enjoy the wilderness experience up there. This certainly has done something for their economy.

You have to have a place to sleep, and gasoline and food. It all adds up. So we lovers of the wilderness areas, certainly have something, have added something to the economy of the areas that we have visited to satisfy our desire for this wilderness experience.

Thank you.

Senator WIRTH. Thank you very much, Mr. Young.

Mr. Woods.

STATEMENT OF LUCIUS WOODS

Mr. WOODS. Thank you, Senator Wirth. My name is Lucius Woods, and I have lived in Denver since 1951. And I support the enactment of Senate Bill 1343.

I think the bill is consistent with sound economic policy. Wilderness requires little or no operating or maintenance cost. And, yet, it produces a constant flow of tourist and local recreational dollars. I cannot think of any other economic activity, where your profits are about 99 percent of your gross revenues. It is unmatched.

Secondly, it occurs to me that as human beings we do not collectively possess enough wisdom to go into the last 6 percent of our wilderness—the last 6 percent of our land mass that has not been entered.

We should not subject the last 6 percent to what we have done to other 94. Every day we see in the papers reports of the staggering costs of repairing—or the efforts to repair—the environmental damage that we have already done to the existing 94 percent that we have gone into.

We know now that the earth is very easily damaged and very expensive to repair. I think that leaving 6 percent of our land mass of wilderness not only preserves for our future generations a great economic treasure, but it is a recognition that maybe we do not know enough to go into every square foot of this land mass, and do what we have done with what we see around us.

Now, if we need to go into this to sustain our economy, I think we are in terrible shape. First of all, we have not gone into it thus far, and our economy is not doing too bad.

Secondly, if we cannot sustain ourselves economically by working over 94 percent of our land mass, I do not think we can do it by going into the last 6 percent.

I mean, if we have to do that, if we have to do that, it sounds to me like the farmer who has to eat his seed corn. And I think we should not do it.

Thank you, sir.

Senator WIRTH. Thank you very much, Mr. Woods.

Ms. Woods.

STATEMENT OF RUTH WOODS

Ms. WOODS. I am Ruth Woods, and I was on an earlier list. I believe they left it off by mistake, but I was assured that I would speak with you.

I am Ruth Woods, 855 South Josephine in Denver, Colorado. And I speak as a private citizen in support of your bill. The first time my husband and I saw Colorado, we came out here on vacation from New York.

In August 1951, we visited the Colorado mountains, we were so excited by what we saw. We fell in love with the state, and went back to New York, quit our jobs, packed our things, and moved out in October.

We had very little money. We did not know a soul, and we were going into a slower economy. Our friends and family thought we were crazy and told us so. And we thought it was a very sensible thing to do.

Our children share our views. As a matter of fact, this was one of the smartest things we ever did. I will add that hastily. Our children share our views also in their feelings for the wilderness. Our son lives in Lake City, our daughter is married and lives in Denver.

And these three young people have visited the wilderness areas many times, photographing it, camping, hiking and doing cross country skiing. Now, the 38 years we have been out here, we have seen some very distressing changes, as has been mentioned by previous speakers.

We used to go into an area which now has to be given special protection. And we are very concerned at how much has been lost in these 38 years. And for that reason, we very strongly support the bill.

And I thank you for the chance to speak, and I thank you for your leadership.

Senator WIRTH. Thank you for coming.

Ms. Ruge.

STATEMENT OF GRETA RUGE

Ms. RUGE. I am Greta Ruge. My husband and I have lived in Denver for three years. We support your bill. During my life I have lived in the east, the middle-west, and if you want to call California the west, I have lived there also.

I want to say that I also traveled in all but three states. And I think that Colorado is a jewel that should be treasured. I hope that our very young grandchildren will be able to say the same when they are my age.

Senator WIRTH. Thank you, Ms. Ruge.

Mr. Trumbley.

STATEMENT OF TONY TRUMBLEY, CONSERVATION CHAIR, SIERRA CLUB

Mr. TRUMBLEY. Thank you, Senator Wirth. Most particularly thank you for the opportunity to speak this afternoon, and my thanks to the chairman of the subcommittee and the committee for allowing the people of the State of Colorado, not just those with travel budgets for trips to Washington, to be heard on what is a very important issue in this state.

My name is Tony Trumbley, and I am the Conservation chair for the Sierra Club in Colorado, composed of approximately 11,000 members within the state. The Sierra Club has historically, and continues to support additional wilderness designation.

It supports Senate Bill 1343 at a minimum. In the process of that designation, I say at a minimum, because this bill is a compromise. In order to accomplish the resolution of the some of the water rights issues, there have been areas which have been dropped we think are still deserving of designation. We believe that those should also be pursued.

I must ask, though, what response this very reasonable compromise has received. And I must call that response hysteria. It is hysteria from logging companies and other interests, which want continued public subsidies in the form of low cost timber sales.

It is hysteria from water developers, who seek profits at the expense of our public lands. And hysteria from off-highway vehicles aficionados who are convinced beyond any reason that they will not be able to find a single Jeep trail within the State of Colorado, if these areas are designated as wilderness.

And finally the response that this designation of wilderness should be held hostage. I am here to tell you, and to speak for the record that that is not the feeling of the people of the State of Colorado, or of the 85 percent of the people in the State of Colorado who want additional wilderness designation.

Thank you.

Senator WIRTH. Mr. Trumbley, thank you very much.

Ms. Caudell.

STATEMENT OF JOY CAUDELL

Ms. CAUDELL. My name of Joy Caudell. I live in Pitkin County. I am a third generation Coloradan.

Senator Wirth, I am here to support your wilderness bill. It is long overdue. I am not a water expert. But I believe the bill adequately deals with the legitimate concerns of the water development community.

Wilderness designation protects ecosystems, and water is an essential critical part of these ecosystems. The wilderness must have its water.

I have worked for the Forest Service on national forest planning issues and witnessed the intense competition for the use of our public lands. I am convinced 10 years from now the only areas left in our unroaded and natural state will be wilderness areas.

These wilderness areas are not just for Colorado, but for the nation. We must act now; these areas must not be held hostage, and I urge prompt passage of this bill.

Senator WIRTH. Thank you very much.

Mr. Bonowski.

STATEMENT OF STEVE BENOWSKI

Mr. BENOWSKI. Thank you, Senator.

My name is Steve Benowski from Denver. I support your bill. And I will be sending a statement during the comment period.

I would like to confine my verbal comments to one area. Several speakers today have talked about the wilderness as being for only a select few and elite. I have worked professionally with programs for persons with medical disabilities for nearly 17 years.

I am well aware that there are many organizations here in Colorado who work to open up the wilderness to persons who are physically disadvantaged. Some of these are under the banner of the Colorado network for the physically handicapped.

I think it is spurious excuse to say that persons with physical disabilities cannot use wilderness areas. A person in a wheelchair can certainly belies the image of yuppy back-packer, an image of a wilderness user that the opponents of wilderness like to convey.

The disabled do use the wilderness. And they will be using that in increasing numbers. I represent the Colorado mountain club in working with some of these people to enhance the experience in the back country for persons with these problems.

I would say that in this area, it is much like the water rights. Discussion, it is a spurious issue, it is inaccurate. And I just wish that the people who portray these kinds of views would get their facts straight.

Thank you very much.

Senator WIRTH. Thank you very much, Mr. Benowski. And we thank this panel.

Let me do this. There may be others here who would like instead of staying through to testify all the way, who would like to submit their statements for the record.

So, why do we not once again have kind of a free form time. And any of you who would like to come up to the microphone, and state your name and position, and submit your statement for the record would be welcome, both welcome to do so, and welcomed, and our appreciation of your helping us to shorten the length of the afternoon.

So, anybody who would like to come up and state their position, and submit their statement for the record, please, do so.

STATEMENT OF BILL FOLGER

Mr. **Folger**. My name is Bill Folger. I an active in the Colorado Environmental Council and the Denver Audobon Society.

Senator **Wirth**. And you are for or against the bill?

Mr. **Folger**. For it.

Senator **Wirth**. Thank you, sir. Please, thank you, sir. This is one of just a yes or no, and stating your name and submitting a statement for the record.

So we will have to move on, thank you. Why do we not just start right there, and just go right ahead.

STATEMENT OF JOAN BLANCHARD, DIRECTOR, INWARD BOUND WILDERNESS PROGRAM

Ms. **Blanchard**. My name is Joan Blanchard. I am director of Inward Bound Wilderness Program. And I am in support of your bill.

Senator **Wirth**. Thank you very much, Ms. Blanchard.

STATEMENT OF JENNIFER MARKOWICZ

Ms. **Markowicz**. My name is Jennifer Markowicz. I am from Englewood. And I have a statement to submit.

Senator **Wirth**. Thank you very much.

STATEMENT OF LOUISA STARR

Ms. **Starr**. I am Louisa Starr from Boulder. And I support your bill.

Senator **Wirth**. Thank you and again the record will be open for two weeks for anybody who wants to add additional comments for the record.

STATEMENT OF LAURIE PADDOCK

Ms. **Paddock**. My name is Laurie Paddock, and I am an attorney here in Denver. And I support your bill.

Senator **Wirth**. Thank you, Ms. Paddock.

STATEMENT OF ERIC PADDOCK

Mr. **Paddock**. My name is Eric Paddock, and I am a professional photographer and historian, a third generation Coloradan. And I wholeheartedly support your bill.

Senator **Wirth**. Thank you, Mr. Paddock.

STATEMENT OF SUSIE ELLISON, ASPEN WILDERNESS WORKSHOP, ASPEN, CO

Ms. ELLISON. My name is Susie Ellison of the Aspen Wilderness Workshop. And I represent approximately 150 of our members in supporting your bill.

Senator WIRTH. Thank you, Ms. Ellison.

STATEMENT OF DAVID MASTERNIRNEY

Mr. MASTERNIRNEY. I am David Masternirney from Boulder, and I support your bill.

Senator WIRTH. Thank you. Anybody who has statements, Allison Spalding will be picking them up as well.

STATEMENT OF SHARON BRADARD

Ms. BRADARD. I am Sharon Bradard from Milton, and I strongly support your bill.

Senator WIRTH. Sharon, thank you.

STATEMENT OF STEVE WISTER, PRESIDENT, WISTER CHEMICAL

Mr. WISTER. I am Steve Wister, president of Wister Chemical Company in Denver. And I support your bill as well.

Senator WIRTH. Thank you, Mr. Wister.

STATEMENT OF PATRICK CARTER, SKI PATROLLER

Mr. CARTER. My name is Pat Carter. And I am a ski patroller and white water rafting guide, and I support your bill.

Senator WIRTH. You have a tough life. Thank you Mr. Carter. [Laughter.]

STATEMENT OF RICHARD HAMILTON

Mr. HAMILTON. My name is Richard Hamilton from Shawnee, Colorado, and I support your bill, senator.

Senator WIRTH. Thank you very much, Mr. Hamilton.

STATEMENT OF MICHAEL ELLERS

Mr. ELLERS. My name is Michael Ellers. I am from Boulder, Colorado. I support your bill, Senator Wirth. This is my godson, Nicholas Miller, and he supports your bill too.

Senator WIRTH. Excellent. He recycles things at McDonald's too, I bet.

STATEMENT OF PUNIT KALRA

Mr. KALRA. My name is Punit Kalra. I am from Boulder. And I support your bill. Thank you.

Senator WIRTH. Thank you, Mr. Kalra.

STATEMENT OF MARYANN DAVITT

Ms. DAVITT. Senator Wirth, my name is Maryann Davitt. I am from Denver, Colorado. My family has been in this state for 36 years, and I strongly support your bill.

Senator WIRTH. Thank you, Ms. Davitt.

STATEMENT OF ROGER COGGS

Mr. Coggs. My name is Roger Coggs. I live in the town of Pitkin, which is Gunnison County about 10 miles from Fossilridge, and I support your bill, and particularly the Fossilridge area. Thank you.

Senator Wirth. Thank you, Mr. Cox.

STATEMENT OF T.J. JOHNSON

Mr. Johnson. My name is T.J. Johnson. And I am a student at the University of Northern Colorado. And as one of the generation that is about to inherit the leadership of Colorado, I fully support this bill.

Senator Wirth. Hurry up. Thank you very much, Mr. Johnson.

STATEMENT OF PETE STAPP

Mr. Stapp. My name is Pete Stapp. I am a UNC student. And I strongly support this bill.

Senator Wirth. Thank you, Pete.

STATEMENT OF PETER SCHWIMMER

Mr. Schwimmer. My name is Peter Schwimmer. I am from Denver, Colorado, and I support your bill.

Senator Wirth. Thank you, sir.

STATEMENT OF CHARLES COMSTADT

Mr. Comstadt. My name is Charles Comstadt. I am on the faculty of the University of Northern Colorado. The students came on their own. I also support your bill.

Senator Wirth. Mr. Comstadt, thank you very much.

STATEMENT OF STEVE PRIEM

Mr. Priem. My name is Steve Priem. I am from Boulder, Colorado and I would like to support your bill.

Senator Wirth. Mr. Priem, thank you for coming.

STATEMENT OF DIAN EMERICK

Ms. Emerick. My name is Dian Emerick. I am from Greeley, Colorado, and I strongly support your bill. And I will be submitting a statement in support of that.

Senator Wirth. Thank you, Ms. Emerick.

STATEMENT OF ANTHONY POMERANTZ

Mr. Pomerantz. My name is Anthony Pomerantz. I live in Boulder. As an outdoor enthusiast, I strongly support your bill.

Senator Wirth. Thank you, Mr. Pomerantz.

STATEMENT OF SEAN SMITH

Mr. Smith. My name is Sean Smith. And I am a citizen of Denver, and I strongly support your bill. And I thank you for your efforts to save the wilderness and the world. Thank you.

Senator Wirth. Thank you, Mr. Smith.

STATEMENT OF MARK B. HORVAT, JR.

Mr. HORVAT. Mark Horvat from Bellevue, Colorado, a native Coloradan. I strongly oppose your bill.

Senator WIRTH. Thank you, Mr. Horvat.

STATEMENT OF GARY ULLMAN

Mr. ULLMAN. Gary Ullman from Kremlin, Colorado. And I also oppose your bill, especially Davis Peak and Service Creek.

Senator WIRTH. Thank you, Mr. Ullman.

STATEMENT OF JOHN STEWART

Mr. STEWART. Senator, my name is John Stewart. And I am from Worson, Colorado. And I also strongly oppose your bill.

Senator WIRTH. Thank you, Mr. Stewart. Are there any other comments? Yes.

STATEMENT OF SARAH PEOPLES, PRESIDENT, SIOUX HIKING CLUB

Ms. PEOPLES. My name is Sarah Peoples. And I am president of the Sioux Hiking Club in Boulder. And on behalf of 300 students, I would like to support your bill and thank you for your leadership.

Senator WIRTH. Thank you, Sarah.

Well, that moment which you have eagerly awaited is stretch time that is arrived. Why do we not take a break. It is now 2:39 p.m., why do we not come back at 10 minutes of 3:00 p.m.

[Recess taken.]

Senator WIRTH. Let me, if I might, lay out a few procedural procedures for the remainder of the afternoon. For those who were not here, we have had a long and exhaustive morning in which we focused on the water issues, which are troubling for some, and I believe we have sorted and pinned down the very specifics of that, and we will get some answers back from our water panels.

We have also heard testimony from a number of public officials and from literally hundreds of people from all over the State of Colorado. We appreciate all of them being here.

We have a number of panels remaining. We also have a time bind which I announced at the start. We have had so many more people signing up to testify than I have ever seen at a hearing that that does provide us with a problem, and let me see if we can sort that out. I have to leave here at 4:30 p.m. After 4:30 p.m, we can leave the committee counsel to take testimony if you would like to do it that way for those of you who will be here after 4:30 p.m.

We will also leave the record open. As I pointed out, anybody can have their statements in full in the record if you want to make sure that your point of view is reflected in the deliberations of the committee and the Senate, they will all be in the record. That record will be left open for two weeks after today's hearing.

I would like now to go through two more panels the way we did before. The next two panels go through with two minutes each, as before, for each of the witnesses.

We will then have another open public comment period for any of you who would like to come up and state your point of view, submit a statement for the record or whatever.

Then maybe it would be all right to move to one minute apiece if we have a lot of people left over, and maybe at that point we can take a show of hands as to how many people remain who want to testify. We will try to fit that into the remaining time.

So we are doing the best we can. We have just been overwhelmed by the outpouring of concern from all over the state. If you have noticed where people are from, they literally have come in from all over the State of Colorado. It certainly has been a very impressive reflection of people's concern and interest in this legislation.

So let me move, if I might, then, to panel 5 and panel 6. On the first row here, panel 5, we have Angela Medbery, Ann Duckett, Jim Krebs, Linda Morgan, Bill Hughes, Tammy Syder, Sharon Brainard, Val Roby, Marion Dean and Fred Hall. If all of you would move into the first deck there.

Panel 6 is Laurel Lindley, Todd Robertson, Don Thompson, Gloria Barrick, Gary Sprung, Fritz Diether, David Miller, Diane Zaslowsky, Joe Russo and Micheal Edessess.

We will start with Angela Medbery.

Angela.

STATEMENT OF ANGELA MEDBERY

Ms. MEDBERY. Thank you very much for having me here. My name is Angela Medbery. I am from Denver, Colorado.

Our planet earth is in trouble. The ozone sheath has been violated. Greenhouse warming effects are being measured. Native species are dying throughout this planet at a very fast pace. Fertilizers and pesticides are killing microbes whose existence has barely been documented.

Our oceans and other fluids including our air are all polluted with foreign chemicals, cancers. Superfund sites abound on the planet, including in metro Denver, Rocky Flats, the Rocky Mountain Arsenal. These are very depressing flats. We have not thought about them today. That is why we need wilderness.

A medical doctor might tell any patient in such sad shape that he needs complete rest, both physical and mental. Wilderness offers such a reprieve for the planet.

In his book, "Ecology Nikistics," Dr. Dana suggests that over 60 percent of the earth's land be devoted to wilderness wherein no machines are permitted. Of that 60 percent, he suggests that 40 percent be maintained in as virgin a state as possible with no human intervention; in other words, complete rest for a planet that needs to heal.

Yet, one-third of the human population continues to extravagantly use 85 percent of the resources on our planet. We need to set aside some large areas for wilderness and wildlife.

The amount already designated as wilderness combined with these areas proposed in this bill are barely a start. However, I recognize that this proposal is a compromise with those who wish to consume, squander and destroy. I support your legislation for wilderness. Thank you.

Senator WIRTH. Thank you very much, Ms. Medbery.

Ms. Duckett.

[No response.]

Senator Wirth. Mr. Krebs.

STATEMENT OF JIM KREBS AS PRESENTED BY WILLIAM DERAY

Mr. Deray. Senator Wirth, my name is William Deray. I am here to speak on behalf of Mr. Krebs, who had to leave.

I am a resident of Littleton, Colorado. I have been involved in motorized recreational public lands in Colorado for 13 plus years. I am an officer of the Colorado Offhighway Vehicle Coalition and one of two offhighway representatives for District 25 of the American Motorcyclists Association.

I believe that wilderness as described in the 1964 Wilderness Act is a valuable resource to be protected and preserved. A close examination of your proposal indicates that you have used a definition of wilderness not found in the 1964 Act.

Many of the areas held forth by U.S. candidates for wilderness designation are certainly not wilderness, trailless and substantially unmarked by the footprint of man. Several of the areas, Fossil Ridge, the Sange de Cristo, Oh-Be-Joyful and Davis Peak, have well established and well documented histories of motorized recreation, and some pieces go back as much as 30 years.

These areas contain well organized and maintained systems of roads and trails and do not appear to fit the definition of wilderness according to the 1964 Act. Your proposals generally ignore the recommendation of professional land managers with regard to existing uses.

The economic issues have been mentioned. I only want to reiterate the motorized recreation of Colorado residents pumps almost $.5 billion into the Colorado economy. Your bill gives no consideration to the potential negative economic impact that your bill would have on Colorado's struggling economy.

There are currently 2.6 million acres of designated wilderness in Colorado or 10 percent of Colorado public lands. Everybody has been playing fast and loose with the facts and figures and acres of land and miles and that sort of thing, so I will not speak too much to those.

Basically, your bill would remove a significant portion of the area available to motorized recreationists from their use. We have no problem with the establishment of wilderness areas, but we do object to being singled out and removed from the areas that we have used historically.

Thank you very much.

Senator Wirth. Thank you very much.

Ms. Morgan.

[No response.]

Senator Wirth. Mr. Hughes.

[No response.]

Senator Wirth. Ms. Syder.

STATEMENT OF MILDRED HENDRICKS

Ms. Hendricks. Bill cannot speak, so I am going to speak. My name is Mildred Hendricks. I am membership chairman of the Colorado Snowmobile Association. I represent 1,400 family members, 190 business members and 30 clubs.

The statements so far today seem to be protect wilderness from mankind. Because my form of recreation is motorized, snowmobile and ATV, I am not allowed in the wilderness. Are the users that choose nonmotorized recreational and want more wilderness considered nonmankind or human? If motorized users are not allowed in the wilderness, then nonmotorized users should not be allowed in there, either. In my book, we are all human and part of mankind.

Do nonmotorized users feel they do less damage than motorized users? Motorized users pay for the privilege of public lands through users fees, registrations and so forth. In fact, if I was not here today I would be out marking trails so I could ride when the snow is flying.

The main issue of wilderness seems to be shutting out mankind due to the choice of recreation. Those animals will get very lonesome up there just in each other's company when they are in the wilderness.

Thank you.

Senator WIRTH. Thank you very much.

Tammy Syder.

[No response.]

Senator WIRTH. Sharon Brainard.

[No response.]

Senator WIRTH. Val Roby.

STATEMENT OF VAL ROBY

Ms. ROBY. Hi. My name is Val Roby from Arvada, Colorado. We just came to say we support this bill a lot. My son would really like some places to go, and it is just such a little piece and earth, and with global warming and everything that you hear about nowadays, it just seems to me that it can only help.

Thank you.

Senator WIRTH. Thank you very much, Ms. Roby.

Marion Dean.

STATEMENT OF MARION DEAN

Ms. DEAN. I am Marion Dean from Wheatridge, Colorado, and I am here as a private citizen. I just wanted to let you know how important wilderness was to my husband. He is a severely hearing handicapped person, and he managed to hold a job and work in a hearing world. He is now retired, but having the place to go, wilderness to go to, helped him a great deal.

Thank you. I support your bill.

Senator WIRTH. Thank you very much for coming, Ms. Dean.

Mr. Hall.

[No response.]

Senator WIRTH. Fine. Well, that was panel 5. Now if we might have the panel 6 people move into the front row.

Thank you very much, Ms. Dean.

Panel 7, Roger Fuehrer, Jan Brooks, Bruce Gordon, Margaret Hagenbuch, Dan Pike, Roger Cox, Kathy Cox, Frank Coleman, Pam Peake and Gary Brenner, if you would go to row number two.

Laurel Lindley.

[No response.]

Senator WIRTH. Todd Robertson.

STATEMENT OF TODD ROBERTSON

Mr. ROBERTSON. Hi. My name is Todd Robertson, and I live in Denver, and I am here today to tell you, Senator Wirth, that I wholeheartedly support your wilderness proposal. I feel that it adequately protects the water resources of the wilderness and that it ensure that the water necessary to a wilderness will not be taken out of it.

Much has been said today about the economic concerns around wilderness, the cost and benefits. I would like to throw in my own two cents worth. The past two summers I have worked for a canoe river outfitter, running many rivers in Colorado. Each week during our four-month summer season we took an average of 60 people out to have a wilderness experience. These people ranged from six year olds to 72 year olds, from peak baggers to members of the Denver Water Board, quite a variety.

Just a personal transformation of these people in a short two- and three-day trip is remarkable, and the fact that they were there in the first place. These are all people from the Denver metro area as our customers.

I almost feel like I am belittling the wilderness by talking about its economic concerns. I feel like wilderness has a right to exist in and of itself, that we have to protect these tiny parcels that are left that are undeveloped, that are semi-pristine, considering that it is late in the 20th Century, and hope that we can move ahead quickly and protect these areas so that we can get down to start talking about the downstream areas on BLM lands.

Thank you very much.

Senator WIRTH. Todd, thank you very much.

I might note in terms of having people out on the water, I had six members of the United States Senate this spring on the Yampa River. It was a fabulous experience for them, and now people are lining up to want to do it in the future. So we may be coming to you for your help.

Thank you very much.

Don Thompson?

STATEMENT OF DON THOMPSON

Mr. THOMPSON. Senator Wirth, thank you for having these hearings.

As president of the Environmental Coalition I get to see an awful lot of people who spend both an awful lot of time and money trying to protect wilderness areas that they love. I would applaud legislation that takes a long-range perspective for solutions. It is usually good public policy, but trying to legislative against future potential water conflicts in a piece of legislation which has been specifically designed to eliminate conflicts would be bad public policy.

Colorado, I feel, has some of the most archaic water law in the Nation. The fact that a small special interest group of water people can hold hostage legislation with such wide public support is proof of how current water law allows the public interest to be thwarted.

It reminds me of a person who told me the difference between terrorists and water lawyers is that with terrorists you can negotiate.

Thank you. [Laughter.]

Senator WIRTH. Thank you very much, Mr. Thompson.

Gloria Barrick.

[No response.]

Senator WIRTH. Gary Sprung.

STATEMENT OF GARY SPRUNG

Mr. SPRUNG. I am Gary Sprung from Crested Butte. I am President of the High Country Citizens Alliance, which supports your bill.

I am also Secretary of the Friends of Fossil Ridge. I can report to you that just about everybody in Crested Butte, Colorado supports the designation of two additional wilderness areas, Oh-Be-Joyful and Fossil Ridge. Our town council has twice endorsed Oh-Be-Joyful and Fossil Ridge, and I am going to submit to you one of the resolutions that they passed from 1983. I can assure you that there has been no change in that position. At a forum last week, every single candidate for town council supported wilderness.

On the subject of bicycles, Crested Butte is the mountain bike capital of Colorado and probably the world. I, myself, work for Mountain Bike Magazine. I write a column on environmental ethical and land access issues.

Fossil Ridge contains the very best bicycle ride I have taken; yet, I would gladly give this up to protect Fossil Ridge from miners, motorcyclists and road builders.

Likewise, Oh-Be-Joyful contains excellent bicycling opportunities; yet, the owner of a local mountain bicycling shop would give up those opportunities for wilderness. So would most other cyclists in Crested Butte.

I have never heard a motorcyclist say such a thing. They tend to oppose all wilderness at Fossil Ridge and Oh-Be-Joyful. They are the principal immediate threat. They are rapidly degrading the environmental quality and wilderness integrity, and I have a paper about that that I am going to submit to you.

The problem is exacerbated by reprehensible behavior by the U.S. Forest Service. They have posted a sign inviting motorcyclists into Fossil Ridge. So if there is no passage of this current bill by next summer, I urge Congress to take interim protection action.

On the subject of water, Fossil Ridge definitely needs a water right because it sits near the Continental Divide. Though no proposals are on the books, Fossil Ridge could be a future target for a transmountain diversion.

On the subject of boundaries, Senator Armstrong has in the past introduced a bill that would lop off the south side. That is totally unacceptable. That would really harm the wilderness integrity.

On the subject of minerals, that used to be very much an issue, but now we see no minimal interest from mining companies. Whatever mineral potential is there is uncertain. It is certainly not demonstrated. Please compare that to the known and very significant value of wilderness to Gunnison County's tourism and recreation in the county.

Thank you, Mr. Chairman.

Senator WIRTH. Thank you very much.

I would be interested in having the specifics on the invitation into Fossil Ridge. Fossil Ridge is a wilderness study area and, as such, under the law is meant to be managed as wilderness until a change is made in that status.

If the Forest Service is in fact doing that, we ought to know about it. They are not being appropriate stewards of their responsibilities under the law.

So if you could make sure that our staff has that.

Fritz Diether.

STATEMENT OF FRITZ DIETHER

Mr. DIETHER. Good afternoon, Senator. I am from Crested Butte. My name is Fritz Diether. I, too, use the Fossil Ridge area and the Oh-Be-Joyful wilderness study areas. I use them on my bicycle now. I, too, would be willing to give up that use in exchange for having these become wilderness areas.

In addition, I believe that there is an economic benefit to my home, Gunnison County, which is mainly based in recreation. So I think this bill favors our needs.

I am opposed to increased timber harvesting and subsidization of mineral and timber interests. Instead, I would favor some type of government support for recycling and helping to make that marketable; not just things like tin cans but also buildings. If we could save buildings that are currently not in use, then we could reduce our need for virgin timber.

I would like to see a higher tax credit for rehabilitation of not only historic buildings but nonhistoric buildings as well that are put back into use and to reduce the need for additional timber harvesting.

I feel that a wilderness area without water will become a wasteland. To try to sever the water rights from these wilderness areas, to me, is absurd, and that is why I am strongly in favor of your bill as opposed to Armstrong's version.

I also am strongly opposed to water diversion from the western slope to the eastern slope. I think that it will rob the western slope of its potential for economic development, whether it is light industry or tourism.

Senator WIRTH. Thank you very much, Mr. Diether.

David Miller.

[No response.]

Senator WIRTH. Diane Zaslowsky.

[No response.]

Senator WIRTH. Joe Russo.

STATEMENT OF JOSEPH RUSSO, COLORADO STATE UNIVERSITY STUDY BOARD

Mr. Russo. Senator Wirth, I want to thank you for providing this forum. It is wonderful. My name is Joseph Russo. I am Colorado raised and continuing to make this home and my place of study.

I represent the CU Environmental Study Board. A lot of the discussion here today has been around the issue of prior use. The land has been used up until this point. If it should continue to be used in that way, I would like to remind people that motorized access into this land has only happened within the past 75 years. Prior use to that was wilderness. It is not a valid point to say we have been there before and we want to continue to be there. That little dent of access is not a major consideration.

I think this bill is strongly supporting wilderness areas that are not as controversial on the water issue. I think it is good to get these out of the way and designated so that further discussion can be held on areas that are more controversial.

Someone earlier today pointed out that he did not see how we could have an increase in population and an increase in wilderness in the area. I probably agree with him, and if that is our choice I would prefer to see an increase in wilderness areas.

Thank you.

Senator Wirth. Thank you very much, Mr. Russo. I think Michael Edesses has submitted his testimony earlier. So, to this panel, thank you very much.

Let us ask panel 7 to move up and while they are doing so, panel 8, Richard Hamilton, Emily Navaras, Todd Hagenbuch, Robert Hagenbuch, Kurt Manning, Lee Baker, Doug Alford, Lori Potter, Mike Cochrell and Anne Vickery.

Roger Fuehrer.

STATEMENT OF ROGER FUEHRER

Mr. Fuehrer. My name is Roger Fuehrer. I am a native of Colorado.

Last year in 1988 Colorado had 27 million visitors. These people did not come here to see water projects and wilderness or wilderness devoid of water. Attached to my written report is an economic fact sheet that compares an oil development and gas development program to wilderness economic use. The conclusions are very clear that over a 20-year period wilderness uses produces 17 1/2 times more monies to the local economy than does a full oil and gas development program.

It appears that the wilderness issue is divided into two different types of people. The majority, the real multiple users, those who treat our mountains with tender loving care and go into the mountains to share its experience and then we have the small minority, the multiple abusers, those who want to get out of the wilderness mainly non-renewable resources for their own economic gain.

Please count me in as one of those people who treat our beautiful mountains with TLC and who highly support your bill. Thank you.

Senator Wirth. Thank you very much.

Jan Brooks.

STATEMENT OF JAN BROOKS

Ms. BROOKS. I am Jan Brooks. I am from Denver, Colorado. I am a director of the American Wilderness Adventures Program associated with American Wildlands, formerly known as American Wilderness Alliance.

I come to you today as a private citizen. I would like to extend our appreciation to you, Senator Wirth, for conducting this important hearing. In addition, I want to thank you for your continued involvement in wilderness protection and outdoor recreation nationwide. I am in strong support of S. 1343, a 750,000 plus are important additions to the national wilderness preservation system. They are also long overdue, and your leadership on this critical matter is very timely.

There are an additional 400,000 acres we hope you will address in the near future. These are both National Forest Service lands and Bureau of Land Management throughout Colorado. S. 1343 has seven important provisions, and I would like to address these.

Water rights. Water rights in Colorado with its 30-plus rivers headwatered here is always going to be a dynamic subject with ongoing debates. Here proposed legislation resolves this conflict for reserved water and clears the question on this matter.

Administration provisions, release language. This appears to be the standard release of similar legislation. We support this for the qualifying statement that the federal lands within Colorado are fast becoming recreation based and not abstracted oriented. This is particularly true in regard to timber products. There is support for the wood products industry, but not as a dominated industry in the state. Watershed, fisheries, wildlife, soils stabilization and recreation and scenic values far overshadow the marginal timber resources.

As you may be aware, Colorado generates millions of dollars in wilderness based on recreation. Every day we have out of state inquiries looking for the opportunity to visit Colorado and see our wild country established wilderness areas and free-flowing rivers.

Colorado leads the nation in adventure travel. Such recreational activities as river running, hiking, horseback riding, backpacking, etcetera, etcetera, are world renowned.

In summary, the preservation and conservation of our wilderness is vital for not only our visitors, but for the Colorado people who depend upon the recreational industry for their livelihood. Now is the time to act before it is too late for our generation and future generations to see our important resource, the wilderness. Thank you.

Senator WIRTH. Thank you very much, Ms. Brooks.

Bruce Gordon.

[No response.]

Senator WIRTH. Margaret Hagenbuch.

STATEMENT OF MARGARET HAGENBUCH

Ms. HAGENBUCH. I am Margaret Hagenbuch. Thank you for this forum to express my support for the wilderness bill. My family ranch shown here exemplifies how ranchers live in harmony with the wilderness in the past and in the present, but unfortunately probably not in the future as the surrounding area succumbs to the lure of developers' almighty dollar.

Please consider the concerns expressed by my submitted written text regarding the tremendous impact the proposed Lake Catamount ski area would have on wilderness, Pleasant Valley, and our near century-old ranch, which gets its domestic irrigation and stock water from Greenwood.

A large portion of the ski area is to be built on the Green Creek drainage area colored on the map. The proposed ski area is adjoined on the east and the south by these Service Creek planning area. The current eastern boundary which is an agreement by those Senators Wirth and Armstrong is under consideration by the Forest Service to be moved even further east intruding into the wilderness shown by the diagrams.

Green Creek drainage comprises approximately two-thirds of the 2,000 acre area being considered for elimination to include this area as a winter sports site rather than leaving it wilderness as presently proposed would have even greater devastating impacts on Green Creek's water quality and our family's ranching operation.

Past history further substantiates our concerns. In the early eighties conservationists originally proposed the northern boundary extended onto Harrison Creek, blue on the map. Through negotiations and lobbying by special interest groups, the boundary was moved south, always to the advantage of the development and to the disadvantage of downstream water users.

The domino effect of this scenario will be played out as ranchers are forced out of business, entire communities change from rural to urban and change from communities with resorts to resorts with no communities.

Look carefully at this photo because this beautiful valley is destined to become an urbanized playground for the wealthy. We must have wilderness to prevent any more loss of pristine valleys and virgin forests such as this and preserve our western heritage. Thank you.

Senator WIRTH. Thank you, Ms. Hagenbuch.

Dan Pike.

[No response.]

Senator WIRTH. Roger Cox.

[No response.]

Senator WIRTH. Cathy Cox.

[No response.]

Senator WIRTH. Frank Coleman.

[No response.]

Senator WIRTH. Pam Peake.

[No response.]

Senator WIRTH. Gary Brenner.

STATEMENT OF GARY BRENNER

Mr. BRENNER. Thank you, Senator Wirth, for giving me this chance to speak to bill 1343. I am speaking on behalf of the Inner City Outings Program and the Sierra Club.

Within the last year I have had the pleasure of taking a number of groups of children, actually teenagers, into our state parks and wilderness areas, and most of the kids I have taken are classified as at risk kids, and what at risk means is that they have usually had trouble with the law, and some of them are just economically disadvantaged, but most have usually had trouble with the law.

We draw most of our kids from Longmont, but I also have led some trips with kids from Denver.

Now, there are two points I want to make about that. First, the interest that the kids have shown in the wilderness has increased, and I think that is an indicator of where our wilderness usage is going to go.

This is a group of Colorado people who normally are not thought of as wilderness users, and they are becoming interested, and I believe eventually will be regular users of the wilderness, and so we need more of that.

Wilderness is clearly our most undervalued resource, and if you add the land that is under consideration to the stock available for development, it only will add a tiny fraction. If you put it into the stock available for wilderness, it will be significant, so you will get much more for your land if you put it into wilderness.

The other point is that have been people who have said that we need to open the wilderness to off-road vehicles so that there is various kinds of handicapped and elderly people can get into them.

It disturbs me that all of their reasons are very hypothetical instead of concrete. We have not heard about any actual people who have been taken down there, and I wish that before someone could invoke the need of another person in bolstering their argument, they would actually do something for that person.

Now, I have taken groups of elderly people down to see wilderness areas, and I have taken people as old as their eighties, and let me tell you, all it takes is patience to get a person to go down a canyon that is 1,000 feet deep and back up that canyon. It does not take an off-road vehicle. Thank you.

Senator WIRTH. Thank you very much, Mr. Brenner.

I had committed that we would now have sort of open season once again for anybody who wanted to come up and state their positions and submit a statement for the record, and just to come up to the microphone. Is there anybody who would at this point like to come up and say yes, no, make a statement and then head off into the beautiful afternoon or whatever you wanted to do? Please come up and identify yourselves and tell us whether you are for or against this legislation, and we will leave the record open for any statements you might like to make.

STATEMENT OF PETER O'BRIEN

Mr. O'BRIEN. Senator, I am Peter O'Brien from Red Wing, Colorado, and I strongly support your bill.

STATEMENT OF DR. RICHARD SCHAEFER

Dr. SCHAEFER. I am Dr. Richard Schaefer from Lakewood, Colorado, and I strongly support your bill.

Senator WIRTH. Thank you, Dr. Schaefer.

STATEMENT OF JOAN ST. GERMAIN

Ms. St. Germain. I am Joan St. Germain from Wheat Ridge, Colorado, and this summer I was backpacking instructor at a school for the deaf, and I strongly support your bill.

Senator Wirth. Thank you, Ms. St. Germain.

STATEMENT OF MARINE SKUMANICK

Ms. Skumanick. Hi. My name is Marine Skumanick, and I absolutely, positively support the bill.

Senator Wirth. Thank you, Ms. Skumanick.

STATEMENT OF CLYDE NAGEL

Mr. Nagle. I am Clyde Nagel from Aurora, Colorado, and I strongly support your bill. Thank you.

Senator Wirth. Thank you, Mr. Nagle.

STATEMENT OF JEFF BUSKEY

Mr. Buskey. I am Jeff Buskey from Boulder, Colorado. I was supposed to speak on slate number 24, and I very much support your bill.

Senator Wirth. Thank you, Mr. Buskey.

STATEMENT OF JERRY VANDER BEAK

Mr. Vander Beak. I am Jerry Vander Beak of Littleton, Colorado, and I support your bill.

Senator Wirth. Thank you, Mr. Vander Beak.

STATEMENT OF KENT MAINS

Mr. Mains. I am Kent Mains from Gardner, Colorado, and I would like to strongly support your bill along with all the animals and plants.

Senator Wirth. Thank you.

STATEMENT OF STEVE RAINES

Mr. Raines. I am Steve Raines, and I am a rancher in Huerfano County, Colorado, and I would like to speak up for the ranchers in Colorado who are in favor of the bill. Thanks.

Senator Wirth. Thank you very much, Mr. Raines.

STATEMENT OF ANN RABANIAFIA

Ms. Rabaniafia. Hello. I am Ann Rabaniafia, and I am from Denver, and I strongly support your bill.

Senator Wirth. Ann, thank you.

STATEMENT OF BILL MAXSON

Mr. Maxson. I am Bill Maxson from Boulder, Colorado, and as a senior citizen I am very much in favor of this bill.

Senator Wirth. Mr. Maxson, thank you, sir.

STATEMENT OF MARIAN ROSENMAN

Ms. Rosenman. I am Marian Rosenman from Denver, Colorado, and I moved here about a year and a half ago, and one of the most wonderful things about Colorado is the wilderness, and I strongly support your bill.

Senator **Wirth**. Thank you for coming.

STATEMENT OF CURRY CRAVEN

Mr. **Craven**. Hello again, Senator. I am Curry Craven from Breckinridge, Colorado, and I do strongly support your bill.

Senator **Wirth**. Mr. Craven was with us in Glenwood Springs. Thank you. You did a great job up there. Thank you, Mr. Craven.

STATEMENT OF KAREN ROTH

Ms. **Roth**. My name is Karen Roth, and I am from Fort Collins, Colorado. I strongly support your bill. I will be submitting a statement within the two weeks, but I think I am also going to write to Senator Armstrong and tell him that I was here all day, and it sure seems like the majority of people really favor your bill as well

Senator **Wirth**. Thank you, Ms. Roth.

Mr. Weisner.

STATEMENT OF ANDY WEISNER

Mr. **Weisner**. I am Andy Weisner from Denver, Colorado, and I strongly support your bill, and I would thank you for continuing the tradition on your committee that was set by Frank Church, Lee Metcalf, and Scoop Jackson.

Senator **Wirth**. Thank you, Mr. Weisner.

STATEMENT OF MICHAEL ORMSBY

Mr. **Ormsby**. Hello, Senator. I am Michael Ormsby. I would just like to say that I strongly support your bill. Thank you.

Senator **Wirth**. Thank you, Mr. Ormsby.

STATEMENT OF PENNY CURRIER

Ms. **Currier**. I am Penny Currier from Denver, Colorado. I strongly support your bill. Thank you very much.

Senator **Wirth**. Thank you, Ms. Currier.

STATEMENT OF DENISE AVRIN

Ms. **Avrin**. I am Denise Avrin from Niwot, Colorado, and I strongly support your bill, thank you.

Senator **Wirth**. Thank you, Ms. Avrin.

STATEMENT OF STEVEN WILLIAMS

Mr. **Williams**. My name is Steve Williams, and I am representing the Denver Audubon Society with 3,300 members in Denver, and we strongly support your bill, Senator. Thank you.

Senator **Wirth**. Thank you very much.

Any other people with a statement?

Okay, now, we have an hour left, and maybe the thing to do is get a sense of how many people are left to testify who want to testify, and let us find that out first. Let us get a quick count.

[A show of hands.]

Senator **Wirth**. It looks like we have got about 60 people. You know what that says to me. How would you all let me just get a sense. All right, we have two choices in front of us. One is to continue and half the people can testify while I am here for two minutes each. That is one choice. I have to leave at 4:30 as we pointed out.

Or the other choice, the good committee council will be here and could take the other part of the testimony for the next hour or we can move down to a minute each and have everybody end and be through at 4:30.

I am going to be thoroughly democratic about this. The first choice is the normal two-minute rule, and then the second choice will be a minute each, and we will stay until everybody testifies, and I will be here for all of that.

The first choice, two minutes each, the usual process, and then the second half of the group of people will testify while the committee council is taking testimony, and the second group a minute each.

Okay, we are going to do this very democratically. We are just going to count votes. Okay, how many for following the usual process?

[A show of hands.]

Senator **WIRTH**. How many for a minute each?

[A show of hands.]

Senator **WIRTH**. A minute each it is, and away we go. I must say this is not unlike the United States Senate or the Congress, but the outcome is not the same.

Now, what would have happened is that all of those people in the first half, if you had been generally a member of the United States would have voted for the usual procedure so they would get their full two minutes, and shut everybody else out. So, I want to thank all of you who were in who would have gotten the full two minutes for generously giving up your time because effectively that is what you have done.

Okay, panel number 8, if you would move into the front step. That is Richard Hamilton, Emily Navaras, Todd Hagenbuch, Robert Hagenbuch, Kurt Manning, Lee Baker, Doug Alford, Lori Potter, Mike Cochrell and Anne Vickery.

And second in the on deck circle is Tim LaPlante, George Ise, Brian Peck, Cliff Seigneur, Terri Ahern, Bernie Zeligman, Mary Ann Davitt, Ray Cooper, Kathy Echohawk and Mike Yengling.

Richard Hamilton.

[No response.]

Senator **WIRTH**. Emily Navaras.

STATEMENT OF EMILY NAVARAS

Ms. **NAVARAS**. Senator Wirth, my name is Emily Navaras. I am from Grand Junction, Colorado. I just want to make it clear that I hope that a lot of people in Colorado realize this is a Colorado issue and not a front range issue.

My family moved here or moved to the western slope about eight years ago, and we moved here for the natural beauty of the state and are very interested in preserving that beauty.

I very strongly support your bill. I would also like to say I hope you can keep it in mind the anthropocentrism that is sort of rampant today, I find it sort of ridiculous that we sit here and debate the future of all other living things in the world. I hope that we realize that the only thing that separates living things from us is culture, and basically we manipulate things more than any other thing in the world. And as a result, I see that we have two choices. One is to continue to manipulate the environment, and the other one is to go along with your bill. Thank you very much.

Senator WIRTH. Emily, thank you very much.

Todd Hagenbuch.

STATEMENT OF TODD HAGENBUCH

Mr. HAGENBUCH. My name is Todd Hagenbuch, and I represent myself. The Service Creek wilderness and the Youth of America wilderness is a vital part of our world, not to mention vital to Colorado's people and the wildlife. Much of this wilderness is wetlands which clean and purify our water.

One good example is Green Creek, a pure creek with no dirt or even filtration. Also included is part of the Service Creek wilderness. This water is drunk straight out of the creek and used as an everyday source of water for Green Creek Ranch. This ranch belongs to my grandparents. Someday I hope to spend my time in this beautiful place.

Another issue close to my heart is the Lake Catamount ski area. This area is proposed in Pleasant Valley, seven miles south of Steamboat Springs. This 6,600 acre development will infringe on the boundary of the Service Creek wilderness. It will also ruin prime elk and black bear habitat in the Green Creek drainage area. This will ruin our drinking supply and force one of our oldest ranches out of business.

Wilderness will not change the forest. You can still hike, hunt, fish and horseback ride in the wilderness. One advantage I see towards wilderness is that developers, domestic or foreign, cannot develop here.

Kids do not have much say in the decisions of the Forest Service or the government. We pay taxes, too, just like you who have already lived half of your lives. Please, let us leave something for the kids of today and tomorrow. I leave with you this: protect the people's right to land and the land's right to be protected from the people. Thanks.

Senator WIRTH. Todd, thank you very much. You speak louder than everybody else.

[Applause.]

Senator WIRTH. Robert Hagenbuch.

STATEMENT OF ROBERT HAGENBUCH

Mr. HAGENBUCH. Senator, I am Bob Hagenbuch from Denver, Colorado. In May and June of this year I surveyed my neighborhood and my co-workers and asked them to sign a petition against the Catamount ski area and unanimously everybody that I asked to sign signed the petition against it, but they also said the Forest Service will not let the ski area go in because they cannot go into the national forest. The Forest Service will protect it.

Well, we all know that the Forest Service does not protect it. As a matter of fact, I do not believe they have ever turned down a request for a new ski area in the state of Colorado.

In actuality the Forest Service is in the business of marketing our national lands to the highest bidder, regardless of the use. My two children would like to see the forest remain under natural state for their generation and for the children's generation. I would like to see more wilderness than proposed by Senate 1343. It seems that the only way to protect the forest and the natural beauty of Colorado is 62 percent of the people surveyed by the Colorado Tourism Board said that that was their main reason for visiting Colorado.

We need the wilderness to remind us of our past. The wilderness needs us to guarantee its future. Thank you.

Senator WIRTH. Thank you, Mr. Hagenbuch.

Mr. Manning.

STATEMENT OF KURT MANNING

Mr. MANNING. Hi there. My name is Kurt Manning. I am Director of the Wilderness State Group at the University of Colorado. I would like to put things into perspective.

John McPhee, a well known writer says, "If you stretch your arms end to end and that represents all of geologic history on earth, then all of human history is contained in the furthest fingerprint, one ridge of one fingerprint." That is pretty amazing to think about, that all the changes that we have done on the face of this earth has come just within a few generations.

Several hundred years ago wilderness stretched from coast to coast. Currently we have only 1.4 percent of the lower 48 states protected as wilderness. Considering the exceedingly short time in which this has occurred, metaphorically, you know, one ridge of one fingertip, that is utterly absurd. I do not understand how we can continue to not protect wilderness.

I would like to respond to Mr. Hobbs' earlier statement about the removing water in times of need. What is need? The existing ecology needs water just as much as if or perhaps more than people do. Nature already conserves. It is the idea of wilderness is not to preserve just until it is inconvenient. That is not protection.

The idea of wilderness is to preserve for the long range, to recognize the value of wilderness is independent of human utility. Thank you.

Senator WIRTH. Thank you very much.

Mr. Baker.

STATEMENT OF LEE BAKER

Mr. BAKER. Senator, my name is Lee Baker. I live in Denver, and I am a past chairman of the Denver group of the Colorado Mountain Club. I am the current conservation chairman.

At their last meeting the Denver group council voted unanimously to support your bill. Everybody has spoken so eloquently in support of this that I cannot think of anything worthwhile to say except that we need to get on with it.

The only other thing I want to know is when do we get a chance to vote for President Wirth. [Laughter.]

Senator WIRTH. Mr. Alford.

STATEMENT OF DOUG ALFORD

Mr. ALFORD. Senator Wirth, my name is Doug Alford. I am a Colorado off-road congressman for the American Motorcycle Association. I am here to oppose your wilderness bill.

We have built sufficient wilderness in the state of Colorado, and this bill is in direct conflict with the Department of Agriculture multiple use programs. The areas of this bill has many roads and trails that motorcyclists have used for many years. One example is the Weaver Geological Study area. If made wilderness, it would close seven trails and roads.

It would also cut off access from Creed to Del Norte and from Sawatch over to Creed.

I have been a volunteer with the Forest Service for 21 years, and I have talked to many, many people, and what they want is multiple use. Thank you.

Senator WIRTH. Thank you very much, Mr. Alford.

Ms. Potter.

[No response.]

Senator WIRTH. Mr. Cochrell.

STATEMENT OF MIKE COCHRELL

Mr. COCHRELL. My name is Mike Cochrell, and I am a resident of Summit County and have lived in the state for 16 years. I have been hiking extensively throughout the state, usually at high altitudes.

I want you to know that these feet have taken this man not tens but hundreds of miles, most of them above timber line in the state, and the issue of whether or not Colorado need more so-called rock and ice wilderness, I say yes, absolutely. I support your bill.

Senator WIRTH. Thank you very much, Mr. Cochrell.

Ms. Vickery.

[No response.]

Senator WIRTH. We got everybody on this panel. All right, thank you all very much. We appreciate your being here.

Panel number 9 move up, and then panel 10, John Stewart, David Lawrence, Roger Flynn, Beth Wendel, Rick Poulin, Peter Waach, Christine Olson, Len Loomans and Marina Skumanich move in.

Here you are.

STATEMENT OF CLIFF SEIGNEUR

Mr. SEIGNEUR. I am Cliff Seigneur. As an attorney and as a past wilderness ranger from northern Colorado, I felt compelled to speak briefly today. Now, more than ever before, it is appropriate to add to the wilderness preservation system. Air pollution, water pollution, deforestation and soil erosion are all taxing the earth's ability to mend itself. Most prominent atmospheric scientists agree unprecedented global change has been set in motion by human production of greenhouse gases and deforestation.

Indeed, the national center for atmospheric research has warned that the global community has about ten years or approximately 4,000 days to enact significant changes to curb catastrophic impacts of global warming. Action must be taken now at a global, national, state and local level.

I think Senate bill 1343 demonstrates a clear commitment to conservation of Colorado resources, and I support it. And I would like to close with a quote from Henry David Thoreau, which I think we should all contemplate a little bit. Thoreau wrote, "In wilderness is the preservation of the world. '

I urge passage of Senator Wirth's wilderness bill. Thank you.

Senator WIRTH. Thank you very much, Mr. Seigneur.

STATEMENT OF BERNIE ZELIGMAN

Mr. ZELIGMAN. I am Bernie Zeligman. I have lived in Colorado for 19 years.

It seems to me that this bill is merely an issue of just common sense, what is the best use of the lands addressed in this bill. It seems clear to me that the best use of these lands is to protect them when we have little left to protect.

We are not making more wilderness with this bill. We are just protecting some of the remnants that we have left that are vulnerable if they are not protected under this law.

The area I am most intimately familiar with in this bill is Sangre de Cristo. I have taken many trips into that area. I cannot conceive of a better use for that area than wilderness.

Just one final point I might point out—that to those people who ride motorized vehicles in national forest lands, this bill does not keep them out of their lands, only their vehicles.

I support Senate bill 1343.

Senator WIRTH. Thank you very much, Mr. Zeligman.

STATEMENT OF MARINA SKUMANICH

Ms. SKUMANICH. Gentlemen, many will speak where I have already spoken eloquently in defense of wilderness, the wilderness areas in Colorado as specified in Senate bill 1343.

I wish I had the time and the words to do so also. However, I shall instead be brief and simple. I recommend a speedy passage of Senate bill 1343, not only for Coloradans, but for all the people of the USA. It is my opinion that the United States is both overpopulated and overdeveloped.

So, whether the population numbers go up or remain stable, the need for wilderness areas and open spaces will remain critical to the well-being of humans in the natural world.

The degradation of the environment is occurring so rapidly that it is imperative that we act quickly to preserve and protect irreplaceable environments.

I hope you will agree the emergency is here by protecting 750,000 acres of wilderness in Colorado. What a pity it is it is a fraction of what it should be for Colorado and only a half of a recommended total of 1,200,000. Thank you.

Senator WIRTH. Thank you very much, Ms. Skumanich.

Are there other members of panel 10 that want to come forward? The two of you who are in the back there? And then panel 11 is Jim Kellogg, Gary Erickson, and Ted Gleichman.

Then we go to panel 12, Gary Wright, Jerry Reid, Jeff Prilburtz, Mark Manniko, Stanley Anderson, Kit Caples, Dr. Edwin Manniko, Cliff Tucker, Tim Kyllo, Bob Kirkegaard, and John Wells.

Please come join us. You are?

STATEMENT OF LEN LOOMANS

Mr. LOOMANS. I am Len Loomans from Fort Colorado. I am a resident of Larimer County and what really burns me up about this whole thing is that the people who are opposing this bill are not—by and large are not elected representatives. They are from water districts, they are developers. They represent a very small minority of the people in the state. They do not represent the majority of Coloradans.

What really bothers me is part of my tax funds go to pay for legal defense against this bill. Last year the Northern Colorado Water Conservancy District spent $500,000 on legal fees. A lot of that money came from property taxes from people like myself who strongly support this bill, but we have no say as to how these people are going to oppose it, where the money is spent.

These boards are not elected. They are appointed. That really bothers me. We have all seen the surveys that the majority of Coloradans support this bill. These people are not looking out for the best interests of the people of Colorado. They are looking out for their own interest, and I oppose that, and I strongly support expedient passage of S. 1343. Thanks.

Senator WIRTH. Thank you very much.

If the panel 12 could come to the front and into the on deck circle is panel number 13, we will hear first from Gary Wright of panel 12.

STATEMENT OF GARY WRIGHT, COLORADO CONUNDRUM MARBLE CORP.

Mr. WRIGHT. Senator Wirth, I am Gary Wright, an attorney from Manassa, Colorado, and I appear today for Colorado Conundrum Marble Corporation, which does not support the bill as it is now written.

The designation of additional Colorado lands as wilderness is necessary to protect and preserve the natural beauty of our state. At the same time, certain fundamental principles must be honored. There are other issues than just water. My testimony emphasizes other issues.

First, wilderness designations must preserve opportunities for prudent multiple use. Colorado's economy relies on mineral extraction as well as recreation.

Second, wilderness designation must respect existing private property rights as required by the Wilderness Act, the Constitution and our Bill of Rights.

Conundrum creep is a sad example of unwise expansion of the wilderness. This area was included in 1980 act, notwithstanding actual knowledge of private individuals' own substantial surface and mineral and timber rights.

The principal of Colorado Conundrum Marble, Stefan Albouy, is a miner by occupation. His property rights are legally protected and will eventually be recognized. However, bureaucratic and regulatory roadblocks are being used to temporarily deprive him of his property rights.

The private ownership of Colorado Conundrum and others should never been designated as Colorado wilderness. No new wilderness should be created unless it has been previously designated as a study area and through due diligence has been accomplished.

I urge that the next Colorado wilderness act remove Conundrum Creek from the Snowmass wilderness. Thank you.

Senator WIRTH. Thank you. By implication the suggestion is that there are private property rights in our Senate bill that have been some how abridged. And if you could give us a listing of those, I would greatly appreciate it.

I have picked up on the testimony of everybody here so that we can get some input on any changes we ought to make. I would appreciate that.

Mr. WRIGHT. I will provide that to your office within the two-week period.

Senator WIRTH. Jerry Reid.

STATEMENT OF JERRY REID

Mr. REID. I am Jerry Reid, thank you, Senator. I guess I am a dying sort because I am one of those you say time has passed by because I say no more wilderness.

Please note I did not say no wilderness. I said no more wilderness.

With S. 1343 you propose to add three-quarters of a million acres more to the Colorado wilderness system, a system that already entails 19.3 percent of our National Forest land in Colorado. If S. 1343 is passed, that figure will grow to nearly 25 percent of our National Forest land in Colorado set aside as wilderness.

Before such a move is even considered, I need the answer to a basic question. You have asked for specifics from many who oppose S. 1343. I will ask for specifics from you and your staff. That question is where is the need for more wilderness.

Wilderness use in Colorado has decreased dramatically in the last eight years. U.S. Forest Service studies show that from a high in 1981 wilderness use in our state has declined by 34 percent while the demand for other types of forest recreation has increased.

Why, then, has Congress bent on giving more of what fewer people want? If the amount of public lands set aside for wilderness is going to increase, then the amount of land available for use by the many is going to decrease.

With 2.6 million acres of wilderness in Colorado that is declining in use, nearly 20 percent of our national forest land, we do not need to that 25 percent. I do not support S. 1343. Thank you.

Senator WIRTH. Thank you very much, Mr. Reid.

Mr. Prilbrutz.

STATEMENT OF JEFF PRILBRUTZ

Mr. PRILBRUTZ. I am Jeff Prilbrutz, and I have been a cross country skier and backpacker for over 20 years, and I have ridden off-road motorcycles for over 10, so I have been able to see both sides of this argument.

Many times off-road motorcycles are blamed for erosion caused by hikers. In the Sangre de Cristos, one of the most heavily damaged areas is the Colony Lakes area which is closed and banned as a de facto wilderness at this time. The Rainbow Trail and other areas of the Sangre de Cristos are maintained by motorcyclists often through volunteer work with the Forest Service.

I am strongly against your bill.

Senator WIRTH. Mark Manniko.

[No response.]

Senator WIRTH. Stanley Anderson.

STATEMENT OF STANLEY ANDERSON

Mr. ANDERSON. What I have here is a map of RARE II, which was an enclosure of Colorado to make more wilderness areas. Well, as you can see, the yellow areas were the wilderness areas before 1977. After that the wilderness areas I have drawn in black are the areas that been now made primitive, which include about five more wilderness areas. The black areas around the yellow designate the areas that were extended on the boundaries of the previous wilderness areas.

All the stuff in light blue are non-wilderness areas, so people that want to use these areas are still restricted from using these lands after 12 years of shutdown, and a lot of them are still usable roads.

I am strongly opposed to any further wilderness. Thank you.

Senator WIRTH. Thank you, Mr. Anderson.

Kit Caples.

STATEMENT OF KIT CAPLES, AMAX MINERAL RESOURCES CO.

Ms. CAPLES. Thank you, Senator.

Mr. Chairman, my name is Kit Caples. I represent Amax today and, as you know, Amax operates the Climax Mine in Lake and Summit Counties and the Henderson Mine and mill which are located in Clear Creek and Grand Counties. Over the years millions of dollars have flowed from these operations to the local communities in those areas.

In 1988 in these four counties alone Amax paid $8.25 million in property taxes and over $20 million in payroll dollars. In contrast we have only disturbed about 4,300 acres in these four counties, which is about .002 percent of the land in those counties.

I mention this just to note that we believe that these mountain communities are—do economically depend upon the use of all the resources, mining being one of them.

I would like to point out just a couple of specific areas we have concerns about today, as you well know. The St. Louis Peaks, Vasquez and Williams Fork areas kind of sandwich the Henderson Mine and Mill. We are very concerned about the proximity of those boundaries to our mine operation.

We are also concerned the South San Juan area. We have some mining claims in that area. And then finally, Oh-Be-Joyful which, as you well know, has high mineralized areas, and we have had claims in the past in that area. Thank you.

Senator WIRTH. You currently have claims in the Oh-Be-Joyful area?

Ms. CAPLES. At the present we do not have claims in those areas.

Senator WIRTH. Could you give us specifics on the other two? That would be helpful. Thank you very much.

Dr. Manniko.

STATEMENT OF DR. EDWIN MANNIKO

Dr. MANNIKO. I am Dr. Ed Manniko from Littleton, Colorado, and I oppose the inclusion of the Fossil Ridge and the Sangre de Cristo areas. These areas have well established roads, constructed roads and trails. We have been lucky enough to be able to jeep and motorcycle and hike these areas, and I do not feel they have really a wilderness character to them.

I also do not like the boundaries on the Sangre de Cristo area because it bisects the Rainbow Trail in several places where if the boundaries were moved several hundred feet in the west direction, then the whole Rainbow Trail could at least remain open if that becomes a wilderness area. Thank you.

Senator WIRTH. Thank you, Dr. Manniko.

Cliff Tucker.

STATEMENT OF CLIFF TUCKER

Mr. TUCKER. I am Cliff Tucker from Parker, Colorado. My family and I have been involved with motorcycle trail riding for about 12 or 15 years now and we have had a lot of fun at it, and we are opposed to the addition of the wilderness area because we found that a lot of the trails that we ride and had a lot of fun and helped raise a family with are in these areas.

And we find that if we need to go to a wilderness or pristine area the over two million acres we have now provide that for us, and I am against the bill.

Senator WIRTH. Thank you, Mr. Tucker.

Tim Kyllo.

[No response.]

Senator WIRTH. Bob Kirkegaard.

STATEMENT OF BOB KIRKEGAARD

Mr. KIRKEGAARD. My name is Bob Kirkegaard. I am from Aurora, Colorado and, for the record, I am opposed to the wilderness bill that has been proposed for the following reasons.

At the present time if I want to ride a trail, a motorized trail, I have a minimum drive of three and a half hours. Within three and a half hours I have three lakes available, two of which would be closed by your bill. If I want to travel farther, within four to five hours, I have an additional 11 lakes total and six of those are located in Fossil Ridge, and so I would lose those six.

The problem is is that there is no place that we can ride, go to find an equality. I do not understand why we cannot have one area like Fossil Ridge that provides over 40 miles of loop trails, six lakes and provides a quality that we need for our recreational experience. If Fossil Ridge goes there is not one place in this state that will provide a loop trail that will take me to good quality fishable lakes. Thank you.

Senator WIRTH. Thank you, Mr. Kirkegaard.

John Wells.

[No response.]

Senator WIRTH. Well, thank you all very much on panel 12.

Panel 13, if you might, please, move up to the front bench, and I would ask panel 14 to join us, Kerry Miller, Rosalyn McCain, Sasha Riddle, Steve Ranes, Kelly Lawler, Mike Arndt, Lock McShane, Dave Allured, Norm Mullen, Charles Wilkinson, Bob Raymond.

From 13 is Rita Tomasi here, Diane Benjamin.

STATEMENT OF DIANE BENJAMIN

Ms. BENJAMIN. Hi. I am Diane Benjamin from Denver, and I think we have already heard every possible argument for wilderness from economics, philosophy and even survival of life on earth, but all I can say is I feel sorry for those people who do not understand the value of wilderness and the idea of wilderness to me as is part of our heritage. It needs no defense. But wilderness does need defense, and I really appreciate your hard work and your careful drafting of this bill, and I hope we can pass it. Thank you.

Senator WIRTH. Good. Thank you for coming.

Kent Mace.

[No response.]

Senator WIRTH. Michael Ehlers.

[No response.]

Senator WIRTH. Laurie Paddock.

[No response.]

Senator WIRTH. Eric Paddock.

[No response.]

Senator WIRTH. Dave Johnson.

[No response.]

Senator WIRTH. Richard Green.

[No response.]

Senator WIRTH. Laurie Baker.

STATEMENT OF GAIL GREEN

Ms. GREEN. Richard Green could not be here today. I am Gail Green. I lived in South Florida from 1957 to 1977 and watched it change from a quiet land of tropical beauty to moonscapes of scraped coral. Is this what is going to happen to Colorado?

My husband and I first started coming to Colorado 12 years ago. On our first hiking trip we hiked to a large clear cut area. Besides seeing huge mounds of trash from the logging camps, we saw the massive erosion that was taking place.

Some tourists come to ski. Others come to see wild country, not the scars of clear cutting which appears to be the result of Forest Service Management. Timber is used once, mine land is used once, but wilderness can be used over and over for generations.

Removing trees from the land also removes nutrients available for regrowth, damages watersheds and destroys wildlife habitat. Trees grow back after fire but not after clear cutting. We need to give our children hope that they will have some portion of wild land left to them to learn of the majesty of their land. Will we continue to tell our children that we care only for the immediate fast buck consuming their futures instead of careful husbandry of the limited resources that we have?

We are mortgaging our future, our children's and our grandchildren's future and leave them little or nothing with which to pay those bills because we are also selling off at a loss our resources.

I support your bill for wilderness.

Senator WIRTH. Thank you very much, Ms. Green.

Laurie Baker.

[No response.]

Senator WIRTH. Mark Askowski.

[No response.]

Senator WIRTH. Okay, in the next panel if you all would come forward and then let me go to panel 15, and I will do 15 and 16 here today. Richard Bradley, Dorothy Bradley, David Mastronarde, Louisa Stark, Kirk Cunningham, Bill Rhodes, Judy Armagast, Robert Armagast, Beverly Kiefer, Robert Gay, Elaine Gay, Sandy Davis, Ed Pierce, Sandy Bergland, Ed Talbot, Frank Bowles, Pamela Bondurant, Diane Emerick, Lisa Hickey, and Michael Duncan.

Mr. ALLURED. My name is Dave Allured. I was on a previous panel, on panel 14.

Senator WIRTH. Please go ahead.

STATEMENT OF DAVID ALLURED

Mr. ALLURED. My name is David Allured, and I live in Boulder.

I wish to speak in support of your wilderness bill, Senator, Wirth's wilderness bill.

I think Colorado is a great wilderness state, and in asking to expand the current wilderness designation to only 23 percent of all national forest lands in the state of Colorado is a modest request. This is a modest wilderness bill proposal.

I think in particular it is important that Colorado remain as one of the states in the western United States that be a reservoir of wilderness, recreation opportunities for the people, for all of the people of this country, and in particular all of the people who will come and visit this state as tourists and provide for our tourist service economy and who will experience wonderful wilderness views and experiences of the sort that they cannot experience in their home states which have no wilderness whatsoever.

So, please support this bill. Thank you.

Senator WIRTH. Thank you very much.

Let me just start. Maybe you can come up and introduce yourself.

STATEMENT OF ROSALYN McCAIN, PRESIDENT, CITIZENS ALLIANCE, HUERFANO COUNTY, CO

Ms. McCain. Thank you. I brought posters from the Gardner schoolchildren and I would like to read it:

> We need our wilderness. Without it, we would be lost. Think about the air we breathe. The air comes from plants and trees. Think about wildlife without it. There would be no hunting season and we would have no food. We depend upon these resources. Save the wilderness. Sincerely, Sarah Geary.

I brought you a number of drawings. I think that you will enjoy them if you have a chance to take a look. This one I would like to particularly share. "Do you think this should be destroyed?" This is from Cole Rich.

I am president of the Citizens Alliance in our county. We have about 120 members who all support your bill. I believe that somebody on your staff has a letter from the Huerfano County Commissioners supporting your bill. They asked me that I make that part of the public record.

In addition, I want to talk about a project we have near us. We have an ARCO CO_2 project. ARCO has been a good neighbor, but we realize with their project, when an oil and gas company comes in that the land is no longer available to the public. We cannot hike there, we cannot hunt there, and we have some of those concerns with the Sangre de Cristos and we really want to see this bill passed.

Senator Wirth. Thank you very much. If it is all right, the next time there is a hearing or whatever, we would like to be able to, maybe put these up. Could we do that?

Ms. McCain. We would love to.

Senator Wirth. Thank you, Ms. McCain.

STATEMENT OF KIRK CUNNINGHAM

Mr. Cunningham. My name is Kirk Cunningham. I live in Boulder. I support S. 1343, all the areas with all their natural flows of water. This bill is a good start to the wilderness—we have many wilderness issues in Colorado but none are finished. I visited three or four of the areas on the bill and enjoyed all of them. I would like to have the opportunity to visit all of them eventually, if they are wilderness.

In addition to your own efforts on behalf of this bill, the best thing it seems to me you could do in the next month for the roadless areas on your bill and in other states as well, and for existing wilderness in Colorado and elsewhere, is to vote against James Casan for Assistant Secretary of Agriculture.

Thank you.

Senator Wirth. Thank you very much, Mr. Cunningham.

If you all would come up and introduce yourselves, and if the people on the next bench want to come up on the front, if you will just introduce yourselves and we will roll right along.

STATEMENT OF RICHARD C. BRADLEY

Mr. Bradley. Thank you, Senator Wirth. My name is Richard Bradley, I reside in Colorado Springs. I strongly support the proposed legislation.

Among the many reasons we have to maintain wilderness in our culture is a scientific educational one. Indeed, our survival may depend upon it. Modern civilization so completely buffers us from the natural world that we tend to forget where our roots really lie, and that in the final analysis it is the good earth, not Wall Street or industry, that sustains us.

In undisturbed wilderness there exists a stable balance between plants, animals, soil and water that has persisted nearly unchanged for thousands of years, illustrating that nature is basically conservative and recycles resources.

Man, on the other hand, is not conservative. He disrupts ecosystems, consumes resources, fouls his environment, then applies Band-Aid measures to his ailing land without ever really understanding the cause of the illness.

If science has taught us anything, it is that we must live according to natural laws. Wilderness areas are outdoor laboratories that can teach us these laws. If we burn them behind us we do so at our peril.

Thank you. Thank you for your leadership.

Senator WIRTH. Thank you very much. Mr. Bradley.

STATEMENT OF DOROTHY BRADLEY

Ms. BRADLEY. Senator Wirth and panel, I am Dorothy Bradley from Colorado Springs, and I am happily speaking in support of bill 1343. I have been a wilderness-lover for 43 years, hiking and climbing and back-packing the Sierra Nevada, Wood Rivers et cetera, as well as here in beautiful Colorado with my husband and later with the children.

The pure magic of being in unspoiled, unaltered country should be a part of every young person's experience and education. It enriches his life in a permanent way, because he comes directly into contact with the natural world on its own terms, away from the smells and noise of civilization where he can tune into the sights and sounds and smells of wilderness. Here is where he learns to love the land and to respect it.

It is good for the kids to hike in there and it is good for me to have to hike in and I am glad to do so.

As population increases demand will grow. This is a good bill. Let us pass it now.

Thank you.

Senator WIRTH. Thank you very much, Ms. Bradley.

STATEMENT OF ROBERT GAY

Mr. GAY. Senator Wirth and staff, I am Robert Gay from Steamboat Springs. Basically, I am in favor of Senator Wirth's wilderness bill.

I might confine my remarks to the Service Creek area. I was born and raised and have lived my entire life within a mile and a half of where Service Creek runs into the Yampa River. Therefore, I am very familiar with the area. I have hunted in that area since I was big enough to pack a gun and at one time or another I have fished Sarvis Creek until it flat ran out of water. Also, at the present time we have a cattle-grazing permit in there.

You might say that I had a little trouble with this Sarvis and Service Creek thing. It was always Sarvis Creek. The first time I ever heard it I was probably 45 years old and a passer-by stopped at the ranch and asked for directions for Service Creek, and I told him, I cannot help you. I never heard of it. [Laughter.]

Senator WIRTH. Thank you very much.

STATEMENT OF ELAINE GAY

Ms. GAY. Senator Wirth, I am Elaine Gay and I am Bob's wife, and I am very much for this wilderness, as he is.

When the national forest was first established under Teddy Roosevelt around the year 1900 there was a great outcry in opposition to it, as there is to the wilderness today. The cattle barons, miners and lumbermen wanted no restrictions on land they had always used for their own. However, in time it proved to be the only way it could be fairly used by everyone.

Today, nearly 100 years later, and with our population tripled in that length of time, I feel that once again some land should be set aside for future generations, much as it was for them then.

Thank you.

Senator WIRTH. Thank you. I might note, Mr. and Mrs. Gay, that Mrs. Wirth and I were in Sarvis Creek this last summer and it is really one of the most beautiful places I have ever been in my life. It is just wonderful, so I really understand what it is you are speaking about.

Please, sir?

STATEMENT OF BILL RHOADES

Mr. RHOADES. I am Bill Rhoades, and I support this bill and I will explain what I mean in a moment.

My wife and I came to Colorado 35 years ago because of the natural advantages and we would like our children, who are native Coloradans, and our grandchildren, to have the same advantages.

Now, this is not all one-sided and I have some feelings on the other side and I would like to just share those for a moment. One part of our family is up and down the Yucca Padre River in Western Colorado, and I know those people talk about people from Denver, and I know how they talk about environmentalists. It is a dirty word over there. But yet, when they stop and think about the loss of the wilderness, they feel they have lost their reason for coming to Colorado.

Now, the reason I am doubly in favor of your proposal is because I was in favor of your first bill, and it seems to me that for the common good—and you tried to go for a win-win solution and did not get it, evidently—you now have to put steel in your back and make sure that this bill passes.

Thank you.

Senator WIRTH. Thank you very much, sir.

STATEMENT OF LISA HICKEY

Ms. HICKEY. My name is Lisa Hickey. I am an attorney from Colorado Springs and I thank you for your time.

I want to speak very briefly in support of your bill, Senate Bill S. 1343, for many reasons, but the only reason I want to speak about it today is because I believe that it will support Colorado's economy and strengthen it in the long run.

Recently, Colorado Springs was put on the short list of cities being considered by a major computer chip consortium as a possibility of a city where they will place their headquarters. One of the reasons they were going to use Colorado Springs was because of the quality of life there. One of the major reasons Colorado has high quality of life is the wild areas, and they need to be protected, and we have waited long enough and I thank you for your introducing this bill.

Senator WIRTH. Thank you very much, Lisa, and I hope you will carry that message also to the city fathers of Colorado Springs. [Laughter.]

STATEMENT OF FRANK BOWLES

Mr. BOWLES. I am Frank Bowles from Greeley, Colorado, Sierra Club member. I want to thank you for your sponsorship of this bill. It certainly is a good one.

Man may dominate this planet, but he has done a very poor job of stewardship for that planet. He must begin to show more respect for his world by setting aside a number of areas for people yet to come. That many politicians still use obfuscation and shadow arguments against wilderness in order to support short-term vested interest favorable to some very few people is depressing.

Although at my age I may not be here very long to enjoy these wilderness areas, I do want what most everybody here seems to want, to be sure that our grandchildren and those who follow them will be able to enjoy the natural beauty of earth for centuries to come.

Senator WIRTH. Thank you very much, Mr. Bowles, and to this panel, thank you very much for being with us. Mr. and Mrs. Gay, you get to go back to that wonderful place.

Panel 17 and 18, you might join us in the first row and the second row, wherever we are: Dwayne Rue, Rick Raymond, Norman Heckarman, Michael Rue, Paul Franke, David Cole, William Holmes, Mildred Hedreck, Ed Hedreck, David Herrick, Jerry Danni, Rick Eckert, Peter O'Brien, Pat Carter, Pam Pierce, Roberta Moellenberg, Dell Rae Moellenberg, Mark Horval, Don McDonald, Bill Gay and Jan Hose, Wilson Hopkins, Richard Hedwall, Gary Ullman, Dean Cox, Gay Moellenberg, Joy Moellenberg, Bill Pfeiffer, Brian Peters, Kathy McCarthy and Abbey Peters.

Why do we not start from the right and just move across, if you would just identify yourself?

STATEMENT OF JOHN PORTER

Mr. PORTER. I am John Porter. I am here on behalf of David Hedreck today. He is a board member of Delores Water Conservancy District. I am its general manager.

Delores Water Conservancy District does not oppose designations of additional wilderness areas. We recognize that your bill does not directly affect the Delores River. High altitude wilderness areas benefit us. What we are afraid of is that downstream wilderness area studied by the Bureau of Land Management.

I submit that your bill does impact the downstream water rights. You yourself testified this morning that the precedent set in Wyoming and Arizona, you pulled the language out of those bills and if that language—and I cannot envision a downstream area being created without a demand for a like water right, a comparable water right that the upstream areas have.

I would like to wait and negotiate that issue when that time comes, but as you can see the Delores River, the use out of the Delores River is a transmission diversion and anything above a minimum stream flow would directly affect every user in the area.

Thank you for your time. You have my sympathies and it is a tough issue.

Senator WIRTH. For the record, you are telling us that there is nothing in the legislation that impacts on the Delores River, or the Delores River District?

Mr. PORTER. That is right.

Senator WIRTH. Thank you very much, sir. We appreciate your being here.

STATEMENT OF JERRY DANNI, MINERALS EXPLORATION COALITION

Mr. DANNI. Senator Wirth, my name is Jerry Danni. I am here today on behalf of Minerals Exploration Coalition. MEC represents member companies and individuals engaged in the exploration for hard rock minerals.

The presence of minerals and potential mineral discovery production in some of the proposed wilderness areas contained in Senate Bill 1343 is of primary concern to MEC. In order for the mining industry to continue to supply essential minerals and provide jobs, land must be available for mineral exploration to discover new reserves.

Mineral resources are not a bankable option for the future if they cannot be discovered. The availability of tomorrow's resources rests exclusively on today's exploration and the ability to access public lands. Mining is a battle with the environment. Wilderness designation is not necessary to protect the environment from mining.

I would like to enter for the record a flow chart that we put together—it is approximately 15 feet in length—that illustrates the regulatory process from exploration to reclamation.

Although MEC opposes any further additions to Colorado's already vast wilderness, current political reality dictates that more public lands will be withdrawn from mineral entry by future wilderness legislation. However, we recommend that any wilderness study area or portion thereof that shows significant mineral potential should be returned to multiple use management.

MEC, in conjunction with the Colorado Mining Association, will be submitting more detailed testimony to the Subcommittee on 1343. The testimony will include a comprehensive report——

Senator WIRTH. Mr. Denni, your time is up.

Mr. **Denni**. Detailing the mineral resources of all of the wilderness study areas.

Thank you.

Senator **Wirth**. Thank you.

STATEMENT OF MICHAEL RUE

Mr. **Rue**. My name is Michael Rue. I live in South Fork, Colorado. I am not totally against the wilderness. I think we have enough wilderness. I think this ought to be looked at hard enough to where it is going to benefit the most general public—most of the people. I do not think that adding more wilderness is going to benefit more people, or the most—majority of the people.

Thank you.

Senator **Wirth**. Michael, thank you very much. That is also a beautiful area of the state.

If the people in the second row might want to move up to the front row, do you want to do that? Gentlemen, thank you very much for being here and let us just go right through and have you come up and introduce yourselves, if you would do so.

STATEMENT OF BILL PFEIFFER, PRESIDENT, CITIZENS WATER COUNCIL

Mr. **Pfeiffer**. I am Bill Pfeiffer from Colorado Springs. I am president of the Citizens Water Council. We are against Homestake 2. We are very much in favor of your bill, senator.

This summer one of my sons and I backpacked again into one of our wilderness areas. This in itself is certainly nothing new, since we have been doing this for 30 years, but this time we had a new companion, my son and my three year old grandson—or his son, rather, my three-year-old grandson.

So once again, it brought home how much the wilderness has meant to me and my family. Therefore, I pray that I will do everything in my power to protect this marvelous experience for my grandchildren and their grandchildren.

I am a native Coloradan and I have been a registered Republican my entire voting days. I have been a precinct committee man and a delegate to many county and state conventions, and so what I would like to say to all politicians, and especially my fellow Republicans, if you do not think that it is a new ball game out there today in regard to our environment, then your political job is in great jeopardy.

The vast majority of the people in Colorado are fed up with the plundering of our natural resources for the almighty dollar. We realize how short-sighted this is, and you had better also.

I would also like to think that the Good Lord is looking more favorably on those trying to heal and protect our planet than on my senator, Bill Armstrong, who seems to be more interested in keeping a Fort Carson soldier from seeing Playboy Magazine than protecting our high country. [Applause]

President Bush said that he wants no loss of wetlands. I have been corrected that what he said was, no net loss. However, I do not believe he means it is okay to lose a wetland at Holy Cross Wilderness Area as long as we build a new one in Colorado Springs. Even as absurd as this is, our opponents actually believe this.

I would like to predict that the Colorado water buffalo will become an endangered species, and I am going to do everything I can to see that it becomes extinct. Wilderness with water is where life begins. When it dies, so do we.

Senator WIRTH. Mr. Pfeiffer, if I might take the Chairman's prerogative for a minute, could you tell me in 15 seconds why it is that the City of Colorado Springs is leading the state-wide effort against this legislation? What is—and I have asked them over and over and over again, and I have not gotten an answer. You have obviously dealt with them. What is it in this bill that causes the City of Colorado Springs to be out front over and over, very aggressively opposed to the bill?

Mr. PFEIFFER. First, my opening remark was to apologize to you and people in Colorado for the stupidity that is coming out of Colorado Springs. It is only one thing. It is the blind leading the blind. The City Council is only listening to Miskel. That is the only one—Harold Miskel is the only one that they will listen to.

But, Senator, I think we are starting to, and I hope with your help, because I believe you are coming down there to try to shed some light on our watershed as to what it really means. But you heard Harold Miskel right here. We all heard Harold Miskel. There is something—they are tied up on this high water and low water.

Senator WIRTH. I am perfectly prepared to deal with specific problems—you know, the boundary problems, or if they are being damaged by an issue or whatever, or if they are absolutely opposed to wilderness, that is all right, too. I mean, people can take that position. But to really understand why this incredibly aggressive approach taken by one municipality all of the state, I just do not understand it and I thought maybe you could cast some light on it.

Mr. PFEIFFER. It is Harold Miskel. It is simply Harold Miskel. Yes it is, Senator, because they will not listen to any of us. We have tried.

Senator WIRTH. People used to say Tip O'Neill was much too powerful. [Laughter.]

Mr. PFEIFFER. It is amazing to me, but hey, we are making inroads and we are helping you, and our group itself is trying.

Senator WIRTH. I appreciate your testimony, Mr. Pfeiffer and I am sorry to have intervened. We have other witnesses here. Thank you very much for being here.

STATEMENT OF RICK ECKERT

Mr. ECKERT. My name is Rick Eckert. I am also from Colorado Springs.

After 100 years of the conservation versus preservation debate continues with so pitifully little undeveloped land and resources left to argue about, it is sad commentary on our inability to accept the notion that a certain portion of our land should be simply left alone.

Instead the debate continues, as those opposing further expansion of the wilderness system inflate the value of resources proposed additions contain, while on the other hand supporters attempt to foster the perception that what we seek to protect are pristine remnants of what remains of once beautiful, bountiful natural resources.

Wilderness, however, is a purely political concept. Wilderness designation, with or without water rights, will not protect these lands. It will simply place politically determined lines on a map and satisfy the peculiar conceit of land-owning societies that somehow these boundaries represent something in terms of the land itself and the life it supports.

Every area in this bill is simply too small to allow designation to accomplish anything more than to protect them from extracted development. As we are learning with our national parks, it is what goes on outside the parks' boundaries that is determining whether the intent of the designation is achieved.

Yes, we should protect these wilderness areas, this small portion of our natural heritage, but not as isolated islands besieged on all sides by activities which degrade the resources we believe we can preserve by drawing lines on a map. We should be asking the question, does this bill not only protect critical roadless areas, but also foster a substantive dialogue on a whole range of issues in the large and complex puzzle of public lands management?

Thank you.

Senator WIRTH. Thank you, Mr. Eckert.

STATEMENT OF KATHLEEN McCARTHY

Ms. MCCARTHY. My name is Kathleen McCarthy, and I live in Summit County, Colorado.

Our wilderness is our heritage. It reminds us of who we are. It is easy to get lost in the business mind of our society and forget the core part of ourselves that cannot be touched by money or manufactured realms. As an entity beyond our own creative abilities the wilderness allows us to be overwhelmed, to be nurtured and even transformed.

I believe that we all know the value of our wilderness. some of us have forgotten, but deep down we all know. We cannot continue to confuse our priorities. We must do everything we can to protect our heritage, our wilderness.

I support the Wilderness Bill, S. 1343. Thank you.

Senator WIRTH. Thank you very much, Kathy.

STATEMENT OF JOY MOELLENBERG

Ms. MOELLENBERG. My name is Joy Moellenberg and I am from Idalia, Colorado. We have to stop taking our natural resources for granted and realize that if we do not start preserving them now they will disappear completely.

Our forest areas are being destroyed at an alarming rate of 50 acres per minute, equivalent to one football field per second. The wilderness bill will be a start in helping protect these nature areas.

I am familiar with the Sarvis Creek region, where the plan for the proposed Lake Catamount ski area will violate part of wilderness boundaries established years ago. If we allow this type of violation and continue to cater to skiing and other recreation development, our trees, watershed and wildlife will be destroyed as well as polluting our water supply.

Coming from a rural community in Eastern Colorado, I have experienced first-hand the importance of water conservation and water quality. Uncontaminated water is needed for animal and human consumption as well as farmers and ranchers, who depend on pollution-free water to grow crops and raise livestock, an important part of our food supply.

I totally support the wilderness bill and hope it will allow some means of protection from the damaging effects development has on our environment.

Thank you.

Senator WIRTH. Thank you very much.

STATEMENT OF GAY MOELLENBERG

Ms. MOELLENBERG. My name is Gay Moellenberg. Near Steamboat Springs, the plans for the proposed Catamount Ski Resort include using forest land from the proposed Sarvis Creek region, which would be protected by Senate Bill 1343 if in place.

If developed, people and concrete will exist, replacing forest, disturbing natural drainage and eliminating wildlife. I am a young member of America's society and I have lived in a rural area all my life.

My ranch and farm background enable me to know that land cannot be taken for granted. In nature, we can never fix what has been broken or replace what has been destroyed. It sickens me to think of the realistic possibility that tomorrow's child may never get a chance to see untouched nature.

Our wilderness is endangered, and as a Nation we must take a firm stand on its protection. America has more than enough developments of steel and asphalt and enough ski runs. We are lacking, however, in undeveloped lands and wilderness areas. I totally support the wilderness bill. It seems to be the only way to stop developments such as Lake Catamount from destroying what can never be replaced.

Thank you.

Senator WIRTH. Thank you very much.

STATEMENT OF BILL GAY

Mr. GAY. I am Bill Gay from Steamboat Springs. Just a couple of days ago I was at the mouth of Sarvis Creek gathering cattle, and within a hundred-yard stretch there were 20 hunters' camps. Senator, I believe that that clearly demonstrates a need and a demand for this to become a wilderness area and I believe your bill is in harmony with the current land use there, with the agriculture, the ranching, the hunting, the hikers, and I am delighted that you are sponsoring this bill and I encourage its passing.

Senator WIRTH. Thank you very much, Mr. Gay.

STATEMENT OF ABBEY PETERS

Ms. PETERS. My name is Abbey Peters. I live in Frisco, Colorado. I believe that Colorado needs new wilderness areas as proposed in S. 1343, for the simple reason of historic preservation of the western myth. Of course, we need wilderness for preservation of plant species, wildlife, archeological sites, and to ensure some free-flowing water, but I also believe people need places to go that they can experience what the world might have been like before there were boom towns, freeways, high rises, ski areas and condos.

I view wilderness areas as the last remnants of history when the West was virtually unexplored territory, and if it was explored, it was only by the very hardy individuals. As the last remnants of this era, wilderness areas should be preserved and utilized for the modern and future explorers who wish to experience what the West might have been liked before it was settled and developed.

It is important that the proposed 750,000 acres of wilderness be established as soon as possible, for many of these areas are threatened by proposed development activities which would greatly alter their wilderness character. Please think of the opportunities for your children and preserve more wilderness with water today.

Thank you.

Senator WIRTH. Thank you, Abbey.

STATEMENT OF BRIAN PETERS

Mr. PETERS. My name is Brian Peters. I am also from Frisco, Colorado.

I did not prepare a statement today, but I would just like to say that I agree with all of the arguments in support of your bill that have been so eloquently stated here today.

Thank you.

Senator WIRTH. Thank you for very much, Brian, and to all of you, thank you very much.

Let us move along, and let me just read the next three panels and ask them to join us at the front bench: Peter Denison, Tracy Smith, Doug Mofel, Susy Ellison, Steve Jernigan, Paul Engel, Diane Degette, Mike Frisoni, Kim Bailey, Lesley Camper, George Rosenberg, Cynthia Shulek, George Wallace, Cristen Ingebrigsten, John Ziegman, Norlan Hall, David Barber, John Koehler, Don Gerd, Judy Ezra, Greg Marsh, Ron Shull, Susan Ross, Raul Bustamante, Carla Wilson, Dan Pike, Mike Connelly, Edith Bennett, Brady Stallings and Jayne Schindler, and if you all want to sit here in the front row and we will just roll right along. Can we do that? Who is up first?

STATEMENT OF GEORGE WALLACE

Mr. WALLACE. My name is George Wallace and I live north of Fort Collins and operate an irrigated farm, and I also teach courses in natural resource management at Colorado State University.

I spent a couple of years in Central America, working on a regional watershed management project. For two years we tried to patch up the damage that was done in upper watersheds that were extremely degraded and after that period of time, when I came home I realized the value of protecting upper watershed areas. I feel like it is money in the bank for Colorado in terms of water quality and water quantity and the water regimen in protecting upper watershed areas in wilderness status.

As an irrigator and a former Water Board member in the City of Fort Collins I am satisfied that there will be no injury to irrigators from your bill. The reason I think is basically historic. In the days when the early farmers and ranchers were building these high mountain storage facilities, all they had to operate was horses and hand tools. They had to go high enough in the watershed that they could work with small quantities of water, and the reason that there is really no chance of injury now is all the good water rights have been adjudicated long ago.

Finally, I do want to express the facts that a lot of my neighbors who are farmers are uneasy about one aspect of this whole business, and that is the continued access and the ability to maintain structures that are high mountain structures and I think that we could go a long way to easing the differences between these two sides in this discussion right now if we would make it clear that this legislation in no way jeopardizes that and also to ask the environmental community to become more cooperative in recognizing the cultural and utilitarian aspects of those high mountain structures.

Senator WIRTH. That is very constructive and useful. Thank you very much. You have had a lot of experience in this, a lot more than most of us, and any proposed language you might have to help sort that out and ease those fears—which I think are unfounded, but perception becomes reality, does it not?—would be very helpful.

Mr. WALLACE. All right, I will do that.

Senator WIRTH. Thanks ever so much.

STATEMENT OF NORLAN HALL

Mr. HALL. My name is Norlan Hall. I am a third generation Coloradan and I thank you for the opportunity to speak.

I support your bill 1343. I would also like to push for water reserve rights in the wilderness. Water is essential to life and essential to the wilderness. Water is important to us, and I would also submit that wilderness is a responsible and wise use of water resources.

Wilderness does not consume water and very little water is lost in the hydrolytic cycle. Wilderness helps cleanse the water. Wilderness is an important part of our water cycle and if we care about the quality of our water the regeneration of our water, the source of our water, then we should care more about the wilderness.

The integrity of our water resources lies in the wilderness. It is the guardian of the quality of our water and it is also the source of our water.

I would like to go ahead and thank you again.

Senator WIRTH. Thank you very much. We appreciate your being here.

STATEMENT OF HEATHER SHAW

Ms. SHAW. My name is Heather Shaw and I am from Fort Collins and I am in place of another member of our group who could not make it today.

I am in support of your bill. I was amazed that Colorado was only ranked seventh out of 11 western states in terms of the amount of wilderness. I believe Colorado is a beautiful state and is worthy of more wilderness preservation. I believe that the protection of watershed are essential to sustain other wilderness resources in addition to protecting the quality of the water we use.

There are a few who are against wilderness preservation until it becomes an inconvenience. These people need to understand that if you do not protect our resources at their source, we will be sacrificing much more than an inconvenience.

Senator WIRTH. Thank you very much, Heather.

STATEMENT OF SUSAN ROSS

Ms. ROSS. Hello. My name is Susan Ross. I am from Boulder, Colorado. I derive part of my income as a leader of wilderness workshops. I do environmental empowerment workshops for those who I have heard today do not understand that nonmotorized travel in wilderness can be a wonderful experience. I would love to talk to anyone who is interested in such a thing. I find it really important that people understand that 95 percent of Colorado is not wilderness designation.

We do not have too much wilderness. For 25 years I have watched wilderness disappear here. Pristine wilderness is very hard to find at this point. I do not think that we are talking about too much wilderness.

I have a short piece from my son: "I think wilderness is important because it gives us a place to see wild animals. It brings money to our state. Wilderness also gives us areas with trees that in turn gives us oxygen."

Senator WIRTH. That young man ought to run for public office.

Ms. ROSS. He is very interested in having a heritage for his children. I feel that I find it very important that I have a heritage for my grandchildren and my great-grandchildren.

I feel like I speak for a constituency of millions, because I am talking for those who cannot speak here. I do not think man-made laws cover a lot of what we are talking about here. The wilderness has rights beyond what people use.

Senator WIRTH. Thank you very much, Miss Ross. We appreciate your being here.

STATEMENT OF MEG STEVENSON

Ms. STEVENSON. My name is Meg Stevenson and I am a native of Colorado. As a former Peace Corps volunteer in West Africa, designated wilderness areas have become extremely important to me.

We have a marvelous system of protected lands. That is not so in many other places of the world, particularly within developing countries. Wilderness areas there are often used in every-day subsistence living, and even though those peoples may have a great awareness of their natural resources, environmental exploitation is inevitable. Population pressures interact and fluctuating environmental processes are prime contributions to the problems. The same processes have occurred here as well, but we as Americans have had the opportunity to protect our wild lands and all that implies for future generations.

In closing, I would like to state that we owe it not only to ourselves to support this bill, but we owe it to those countries who are in the early stages of setting aside their own wild lands.

Senator **Wirth**. Thank you very much, Meg.

STATEMENT OF CINTHIA SHULEK

Ms. **Shulek**. My name is Cindy Shulek and I am from Colorado, and I have worked for the Park Service and also the Colorado Division of Wildlife west of Gunnison and I have seen first-hand some of the negative effects that man's development has brought into some of Colorado's streams in the form of pollution and even fish kills.

This is not to say that man's development is bad. However, Colorado needs more of a balance between our developed areas and our undeveloped areas, areas that are still our wild lands, and if this bill were to pass it would serve to lessen this imbalance.

I have also spent time working in the Teton Wilderness Area in Wyoming, and it was very evident to me the economic benefits that wilderness also provides, but more importantly wilderness designation provides the protection to defend wildlife, water quality and the integrity of our natural ecosystems, and more personally wilderness is a place where my family and I have experienced some of life's most precious gifts and I support your bill.

Senator **Wirth**. Cindy, thank you very much.

STATEMENT OF GEORGE ROSENBERG

Mr. **Rosenberg**. George Rosenberg from Littleton, Colorado. I had the opportunity of working on the 1980 version of the Wilderness Act for Colorado. A lot of this, to use a cliche, deja vu, and the same arguments.

Two quick observations: one, with respect to the mining interest I spent almost 14 years in Eagle County and I have seen what the mines leave. Before we give them new opportunities, let them clean up the old problems. That is one observation. The choice really is simple there. We know what wilderness leaves. We know what mining leaves.

The other observation is that after almost ten years of the 1980 Wilderness Act we really do not hear a lot of complaints from the result of that act, and I think that speaks for wilderness acts in general and I support this bill.

Senator **Wirth**. Thank you very much, George.

STATEMENT OF JOHN KOEHLER

Mr. **Koehler**. Hello, Senator Wirth. My name is John Koehler and I am from Idledale, Colorado.

As a back country user, cross-country skier and off-road motor cyclist I feel like I am kind of caught between a rock and a hard place. I realize the need for wilderness and on many occasions, probably every other weekend in the summer, I get the opportunity to spend time back-packing and camping.

However, I feel that your bill contains some problem areas, in particular the Davis Peak parcel, a total of 15,000 acres north of Steamboat Springs, which would include a variety of well-established, well-maintained motor cycle and off-road vehicle trails.

The other major complaint I have with the bill is the Sangre de Cristo parcel of 223,000 acres in Southern Colorado. In particular, it is the elimination of the Rainbow Trail and as one of the gentlemen I witnessed speaking earlier indicated, if the boundaries of the proposed wilderness could be moved only by several hundred yards, perhaps we could come to some sort of compromise where the best interests of most of the people in Colorado could be served.

Again, fundamentally I am not opposed to wilderness areas. Unfortunately in the past the off-road vehicle community has had a rather poor reputation. I urge you to give us a chance to educate the rest of the people out there that do enjoy this as a recreation opportunity. We are trying. I think we can do it and I think that we can also strike up a compromise and save some of the pristine areas for the remainder of the people in Colorado.

Thank you very much.

Senator WIRTH. Thank you very much. To all of you, thank you very much. We appreciate your thoughts and input.

Let us move along. John Worcester, Ed Beaumont, Bob Datson, Anson Perina, Dr. Nora Morganstern, Jackquie Davey, Gary Hermann, Jim Peasley, Janet Hughes, Mary Pierce, Mark Robb, Steve Milstrey, Sharon Irving, Sonja Hanscu, Jeff Buske, Gerald Vanderbeck, Alan Frederickson, Michael Ormsby, Penelope Carrier, Cindy Bedell, Caroline Sullivan, Tom Kegel, Tim Glasco, Regan Henley, Bill Folger and Richard Shaefer.

STATEMENT OF ED BEAUMONT

Mr. BEAUMONT. My name is Ed Beaumont. I had the pleasure of putting on the Pike's Peak Enduro in June of this year. We brought into our community over $40,000, and I was pleased in giving a contribution of $2,000 to the City of Logan Park for their concession stand and laboratory facility recently.

We maintain the trail system in Woodland Park, and we have been directed by the Forest Service that we should put this on every other year. That is because it is getting too much impact, and part of that is because more people are riding and there are less areas to ride in.

I am also a wilderness back-packer. I share the concerns with the last gentleman you heard, and I think there needs to be a compromise. I think that there could be more wilderness areas, but I do not think we should cut off the existing forest trails that have been open for many years for off-road vehicle use. I moved to Colorado for the off-road vehicle use, and I would like to stay here for that.

I am particularly against the Sangre de Cristo, the Greenhorn and the Buffalo Peak area.

Thank you.

Senator WIRTH. Good. Thank you, Mr. Beaumont.

STATEMENT OF GARY HERMANN

Mr. HERMANN. My name is Gary Hermann. I live in Englewood. I am opposed to the excessive taking of land in private rights as proposed in your wilderness bill. I believe a more balanced approach should be used.

I ride a motor cycle and mine is designed to run quietly and I use some new style environmental tires to help eliminate trail damage. I and my family and friends that ride motor cycles on the designated Forest Service trails do so in a manner that does not disturb reasonable back packers and horse riders who share the trails.

Your proposal would in many areas take away my preferred method of access to our forest lands. I am particularly opposed to the Fossil Ridge and Sangre de Cristo areas as proposed in your bill. These would eliminate access to longstanding motor cycle use in the Fossil Ridge and Rainbow trails, and I suggest, for example, that the Sangre de Cristo wilderness proposal be reduced as some of the recent people have also suggested.

I have no on-the-ground experience on your other proposed wilderness areas, but based upon my review of the data, many of these also lack a good basis for designation and will eliminate the use of many miles of existing jeep roads and motor cycle trails.

In addition, the areas of existing use do not fit the standards for wilderness designation in these motor cycle use areas.

I do support the wilderness concept, but Senator Armstrong's wilderness proposal is much more balanced.

Thank you.

Senator WIRTH. Thank you, Mr. Hermann.

STATEMENT OF JIM PEASLEY

Mr. PEASLEY. My name is Jim Peasley. I am the Chairman of the Rampart Motor Cycle Management Committee, a group of volunteers that represents over 1,400 associate members. I am also a member of the Colorado Off-Highway Vehicle Coalition. We are opposed to Senate Bill S. 1343.

Many of the proposed areas would have a severe impact on existing motorized vehicle recreation in Colorado, an activity that creates over $485 million for the state economy each year. At least seven of the proposed areas have extensive road and trail systems within them.

My family and I have visited at least nine of the proposed areas and have enjoyed the experience very much. We did not find any characteristics that would make these areas suitable for wilderness designation. We did find roads and motorized vehicle trails that allow us to get away from the more popular and overcrowded areas of the state.

In closing, I would like to say that we are not opposed to wilderness. However, many of the areas in S. 1343 are not appropriate areas for the wilderness designation.

Senator WIRTH. Thank you, Mr. Peasley.

STATEMENT OF CINDY BEDELL

Ms. BEDELL. My name is Cindy Bedell and I am from Boulder, Colorado.

If a vacationer were planning on a rafting, back-packing, fishing or excursion-to-see-wildlife type of vacation, bringing with them tourist dollars, which state do you think they might choose as a destination?

If you like to get away regularly to nearby areas of unspoiled natural beauty and outdoor recreation, where might you choose to live and work? If you wanted your great-grandchildren to have the opportunity to see nature and wildlife intact, as it has been for thousands of years, where do you think they might find it?

I am sure many of you, like me, would say, Colorado.

Here in Colorado right now we have a rare opportunity to make some decisions that will affect the fate of natural areas forever. It is a grave responsibility.

Will we allow one of our greatest natural resources, wilderness, to be whittled away by development, oil and gas drilling, off-road vehicle use and timber cutting? If so, what will we say to our grandchildren and our great-grandchildren?

I support Senate Bill 1343 and the preservation of our wilderness, and in closing I would like to say, "wilderness is never having to say you are sorry."

Senator Wirth. Thank you very much.

STATEMENT OF TIMOTHY GLASCO

Mr. Glasco. Thank you, Senator Wirth, for the opportunity to speak here today in strong support of Senate Bill 1343.

I feel very fortunate indeed to even be here discussing this issue today—and I am Timothy Glasco—considering many nations, countries and even states within these United States cannot even discuss this issue, because there is not the opportunity or land just does not exist. We cannot allow this to happen here in the Colorado west.

A basic need of humans is simply to search out quiet places. I just hope that there are plenty of quiet places that remain for me and my children.

Thank you.

Senator Wirth. Thank you, Mr. Glasco.

We are now closing on the end. Are others here who wish to testify? If you would please come up and take the front bench. And those of you who cannot fit on the front bench, go to the second bench. All right.

Please, go ahead and identify yourselves.

STATEMENT OF MARY DONAHUE

Ms. Donahue. Senator Wirth, thank you for the opportunity to submit testimony on behalf of the Western Colorado Congress——

Senator Wirth. Your name is?

Ms. Donahue. My name is Mary Donahue. I am a Denver resident and I serve on the policy making body known as the Senate. The Western Colorado Congress is a grassroots citizen organization representing over 1,100 members and 10 community groups based on the Western Slope.

Since 1980, WCC members have been actively working on utility, water, forest management, toxic waste, family farm, and air quality issues, which affect our communities.

WCC recently adopted an official position in support of Senator Wirth's wilderness bill. The Wirth bill recognizes the need for the designation of additional wilderness areas in Colorado, and at the same time, represents a balanced solution to the divisive questions surrounding the wilderness issue.

The Western Colorado Congress supports the passage of the Colorado Wilderness Act in the upcoming Congress and favors the compromise language contained in the bill.

Thank you.

Senator **WIRTH**. Thank you very much, Mary.

Let us just start on the left and come right across. Shall we do that, please? Or start on the right and move right along.

STATEMENT OF CHARLES ORIEZ

Mr. **ORIEZ**. Thank you, Senator.

My name is Charles Oriez and I live in Littleton.

Several weeks ago I had the opportunity to be hiking in the Lost Creek Wilderness Area, which has a proposed increase of 11,000 acres in your bill. Last Saturday I had the opportunity to walk for a very short time in the Sarvis Creek Wilderness that is being proposed as part of your bill. It is perhaps the most single threatened piece of property that is in your bill.

And this morning I cut short a hike in the non-wilderness part to be here today to testify. The reason I am here today to testify is in partial gratitude, the partial repayment of the debt to the people who, many years ago, were standing in rooms like this in hearings like this and defended the area that I am now enjoying today.

I feel that clearly I have to be here today to defend it or risk the loss of it tomorrow. I support the bill as written and feel the problems with water are non-existent. I feel that Bill Reilly and George Bush have in the past few months proven that you need not be anti-environment to hold high office. It is now up to the Colorado Springs city council and other members of the Colorado delegation and Congress to learn from that experience and act on it.

Thank you.

STATEMENT OF LINDA GOGGIO

Ms. **GOGGIO**. Hello, my name is Linda Goggio and I am from Aurora, Colorado. And I would like to say, for all the concern over water rights, having moved here recently from Tennessee, people sure waste a lot of water.

I am speaking for Tim Wirth's wilderness bill because I believe it is a win-win situation, meaning that everyone benefits. For years to this day, we have operated in a theory of divide and conquer; I better get mine before you get yours or I will lose it. Well, that type of thinking is not working. The world is a mess.

You see, I believe the truth is that we are all here because we care about wilderness or we would not have taken the time to come and be at this hearing. The division arises when we work to protect one aspect of the wilderness over the other. The loggers would have you believe this bill would impact their ability to make a living. It will not.

I believe the loggers, not the companies who own them, do not go out to the wilderness to cut trees because they think they will get rich or for the thrill of chopping down a 300-year old life, but because they love where they work, the wilderness.

Also, miners, RV promoters, farmers and others, who will speak against Tim Wirth's bill, it is not that they are against wilderness, it is the perceived threat they feel, that if I do not get mine first, I will not have any. The fear of what they think might happen if this bill passes, the problem is not wilderness designation, it is our attitude. We can continue to work out of a state of fear or we can choose a new attitude of cooperation and learn that only by giving will we truly receive.

We can give the gift of wilderness to our children, ourselves and as a heritage to be preserved forever.

Thank you.

Senator WIRTH. Ms. Goggio, thank you very much.

STATEMENT OF DON SCHWINDT, DELORES WATER CONSERVANCY DISTRICT

Mr. SCHWINDT. Senator Wirth, my name is Don Schwindt. I am a commercial irrigated alfalfa producer in Montezuma County. I am vice president of the board of directors of the Delores Water Conservancy District.

I am here today to testify on behalf of the district, however, undoubtedly my personal biases will be interjected. I am a Sierra Club member, because I am an advocate of the wilderness experience. I am a member of the San Juan Basin Farm Bureau. I am an active Democrat.

I am proud of each of these affiliations, although normally I do not publicly broadcast them. I only do it today to illustrate my sympathies for divergent viewpoints and emphasize my belief that widely different perspectives can find common ground.

My understanding of the original 1964 Wilderness Act is that the reason it was silent on designation of water rights, was because the water use community did not see any water rights being granted with the designation.

Twenty years after the original legislation, *Sierra Club* v. *Block* litigation opened the issue of a water right for a wilderness area. Without the benefit of that litigation being resolved through the appeals process, the issue of the creation and quantification of a wilderness water right has to be negotiated up front.

We feel that S. 1343 is premature. Nobody ever thought negotiation would be easy. I find it inappropriate that just because the first try and negotiation deadlocked, you, Senator Wirth, decided to abandon some of your regular folk, the Colorado constituents, and take the issue to Washington. You chose to enter the national arena instead of lending your fine leadership abilities to the state discussion, where it belongs.

The first panel made a lot of progress. I suggest, reconvene the panel, let them have another try at negotiating a settlement. A negotiated settlement to the water rights legislation is mandatory to obtaining broad support for your legislation.

Senator WIRTH. Thank you, Mr. Schwindt.

Mr. SCHWINDT. Thank you.

Senator WIRTH. I would just point out for geographic reasons, I do not think we are in Washington. I suspect we have been here all day long getting the benefit of a lot of views.

Mr. SCHWINDT. I appreciate. One last quick comment for the record. You asked John Porter, Does the bill affect our water rights? And I think our board's position is that it does affect them in an indirect way.

Senator WIRTH. We would like to know specifically how the Delores River District's water rights are affected, very specifically, how they are affected, and if they are, we will be happy to make sure that they are not. We have tried to do that with everybody who had a specific problem.

Thank you very much.

STATEMENT OF MAX FRY

Mr. FRY. Senator, I am Max Fry of Aurora, Colorado, and I am the Colorado Environmental Coalition.

I just want to make a few quick points. The first is that this bill is a significant compromise for the environmental community, having much less land than we would have liked to have had in it and having much weaker water rights than we would like to have.

Also, wilderness has value in and of itself whether or not people use it. The wilderness provides critical habitat for wildlife that cannot be maintained without wilderness protection. The idea that people have to use the land to make it worth preserving is foreign to me.

Federal lands in Colorado do not belong to the citizens of Colorado any more than they do to other citizens of the United States. Congress has the prerogative and the obligation to preserve these lands for all Americans.

And finally, I would like to say that the wilderness preservation act is perhaps the most notable act of Congress in the history of our country. Future generations will appreciate and applaud our willingness to unselfishly share our national treasures with them.

So let us keep the tradition going and include these natural gems in our national estate to be inherited by our children, thereby securing their benefits and beauty for ourselves and our posterity.

Thank you.

Senator WIRTH. Thank you very much, Mr. Fry.

STATEMENT OF JOHN STANSFIELD

Mr. STANSFIELD. My name is John Stansfield, I am representing the Pike's Peak Group of the Sierra Club, who have about 1,000 members in El Paso and Teller Counties. We strongly support your bill, Senator Wirth. It is long overdue we feel.

Our group has been actively involved in wilderness preservation and wilderness study since its inception in 1970. We are particularly glad to see the Lost Creek additions as a component of your bill.

We feel that that will much more adequately protect and represent the wilderness values that are there in the Lost Creek Wilderness.

It is a privilege really for me to be able to testify at a hearing such as today's. Opportunities, really, such as this have been few and far between during the past nine or 10 years, not near as many or as common as in the 1960s and 1970s. I think such hearings are an exciting example of democracy in action. They are, among other things, educational opportunities for both the public and for Congress, I think. And they are well worth the effort and the expense that it takes to put them on.

So, thank you in several ways.

Senator **Wirth**. John, I thank you for being here.

STATEMENT OF BRAD EDWARDS

Mr. **Edwards**. Senator, are written comments have been accepted by the committee today?

Senator **Wirth**. I said the record is open for two weeks and any comments will be included in the record.

Mr. **Edwards**. Okay. I just showed up not too long ago.

Senator **Wirth**. Could you identify yourself?

Mr. **Edwards**. Yes. My name is Brad Edwards, I am from Fort Collins, Colorado. When I called in yesterday on the phone I was told that I could have two minutes and that I would be coming up at 5:00, so I am sorry for the confusion.

Senator **Wirth**. You have two minutes and you are coming up at two minutes of five.

Mr. **Edwards**. I want to first state that I was born and raised in a mining town in southeastern Arizona, a copper mining town. My father was employed as an internal auditor by the mining company. And I would like to comment that I support your bill entirely. In fact, I am very sorry that because of the necessary need right now for the compromise that there cannot be more acreage included.

And I understand there is some acreage that is being included in the bill are areas that cannot wait for the water rights issue to be truly resolved.

Senator **Wirth**. Mr. Edwards, we are right at the end of the time. Your statement will be included in the record.

Mr. **Edwards**. Well, I guess that is it, so I guess we will just have the written comments.

Senator **Wirth**. Thank you very much for coming and your statement will be included in full in the record. Thank you for coming down.

STATEMENT OF MARTY SORENSEN

Mr. **Sorensen**. I am Marty Sorensen, I am chairman of the Wilderness Management Subcommittee of the National Sierra Club. I am a practicing civil engineer for a large corporation in Golden and I am also licensed outfitter and guide in Colorado.

The wilderness heritage of Colorado is rich in variety and splendor from the high peaks of the San Juans to the ever-shifting sands of great dunes, the fast-running water are a few examples of the areas of Colorado that are represented in the wilderness preservation system.

While Colorado's wilderness heritage is a feast for the eyes, there is also a wilderness heritage which is a feast for the mind. It is the peace solitude that wilderness offers. The Colorado Wilderness Act of 1989 would add more than three-quarters of a million acres to the system.

Each of these areas to be added are uniquely qualified to become part of the wilderness preservation system. I have visited at least all of the areas twice, and some several times, as an outfitter and guide, and just as a backpacker.

From my perspective, the one quality that will truly stand out is the solitude that each area offers. When I returned from Vietnam 24 years ago, I was faced with the dilemma of fitting back into society. I spent nearly two years in a war-torn environment and I was trying to find myself back in society as a productive member.

Red light.

Senator WIRTH. Red light.

Mr. SORENSEN. I support your bill.

Senator WIRTH. Thank you. We will include your statement in full in the record.

Thank you.

STATEMENT OF GREG SELIGSMAN

Mr. SELIGSMAN. Hello, Senator. My name is Greg Seligsman, I am an environmental biology major at the University of Colorado.

Thank you very much for leading us in this battle for wilderness. I think that in many ways our public lands are being used up and we will need the wilderness areas as a measure in the future. Hopefully after 200 years we will be able to look back and see the real effects that our ultimate use management policy has had.

We will use the wilderness to compare this to and then change it wherever it is needed.

As far as compromise goes, I think that this bill has been compromised and compromised away to what are really essential areas to be protected.

Senator WIRTH. Thank you very much.

STATEMENT OF DAN GRIFFIN

Mr. GRIFFIN. Good evening, my name is Dan Griffin.

I recently moved to Colorado; this is only my third week in this great state. As one of Colorado's newest residents, I hope to speak for the thousands of people who emigrate to Colorado every year, and for the legions of annual tourists who come here as well when I say I support this bill.

Earlier, Senator Wirth, you emphasized in your opening remarks how Colorado's wilderness inspired the state's early and original settlers. Senator, I stand before the subcommittee today as proof that Colorado's wilderness areas continue to draw and inspire people vastly beyond their collective borders.

Given Colorado's unique beauty, I find it tragic there has been no new or additional wilderness designations in Colorado in my lifetime.

Senator, I would like to thank you for your efforts concerning this bill, because I hope to one day show my children the wilderness that brought me to Colorado.

Senator WIRTH. All right, thank you, Mr. Griffin.

STATEMENT OF AL KALLWEIT

Mr. KALLWEIT. My name is Al Kallweit, I live in Colorado Springs in Buena Vista.

Senator WIRTH. How do you spell your last name, for the record, Mr. Kallweit?

Mr. KALLWEIT. K-a-l-l-w-e-i-t.

I first want to say that it is a great privilege to be able to be here as just a citizen without having any special interest other than that I have got seven grandchildren who just enjoy coming out here and appreciate the outdoors.

And I have been able to do quite a bit of backpacking since I am retired. And to be able to get away from the noise of motors and engines is so soul satisfying, that I appreciate the effort and the work that you are doing.

Senator WIRTH. Thank you, Mr. Kallweit. Thank you very much for being here.

STATEMENT OF GARTH HARWOOD

Mr. HARWOOD. My name is Garth Harwood, and I am representing the CU Environmental Center board.

In addition to being a professional outdoor educator, I also involve myself regularly in watershed restoration and reforestation projects.

And from my experiences in those projects, I can tell everyone here and yourself that it is much easier to protect natural areas than it is to restore them. Once they are broken down, it is very hard to put them back together.

My first impressions of the Colorado wilderness have been not very good. When I go up into high wilderness areas I see thousands of sheep, sensitive tundra areas, heavy mining impacts, ORV tracks in protected wilderness, and that is our protected wilderness.

I fear very much for any remaining wilderness areas outside of wilderness. And I support your bill very much for protecting as many additional areas as possible.

Senator WIRTH. Thank you very much.

STATEMENT OF JEAN FOLAND

Ms. FOLAND. My name is Jean Foland. I am one of those rare, if not endangered species, a second-generation native Denverite. I am 50 years old, 60 pounds overweight, and I lead a sedentary lifestyle. I do my camping in a motorhome and shudder at the fact of putting on a backpack and climbing up a mountain to spend the night in a cold, airless bumpy bed.

However, I am adamantly in favor of this bill. [Laughter.]

I feel strongly the need to preserve some small portion of the beauty and habitat for wildlife, the quiet and the essential wildness of a few areas remaining available to preservation.

I have six children and nine grandchildren. They need the opportunity to experience their birthright, to see, to hear, to feel this planet and this state as it was, and as it could still be if their grandparents had not destroyed it.

One of the experts that spoke this morning in opposition to this bill, spoke for the need to balance wilderness and development. This bill would bring wilderness to less than 5 or 6 percent of Colorado.

This is too little and far from too much. The true balance should be 50 percent.

The idea that wilderness can survive in this arid state without water is ludicrous. I fully support this bill's expressed water rights for headwater areas and look forward to future bills that would extend it to downstream areas.

Finally, I would like to repeat what was said by another supporter earlier this afternoon. I may never get to these areas again, but I need to know that they are there.

Thank you.

Senator Wirth. Thank you very much.

STATEMENT OF DAVID L. FREW

Mr. Frew. Senator, my name is Dave Frew. I am from Poncho Springs.

I support your bill in its entirety. I wanted to talk about Fossil Ridge, Oh-Be-Joyful, Buffalo Peaks and San Verde Crystal.

Fossil Ridge is located in the heart of Gunnison. I own 40 acres in Ormond, on its western boundary and 13 acres in Parown over on the southeastern boundary.

Fossil Ridge is unique and I am going to just leave it at that.

And I am going to jump to motorcycle in Fossil Ridge. The neanderthals that made that decision have posted signs at the trailheads allowing motorcycles and even have allowed the Sommerville Trail to be widened to accommodate ATVs. This is disgusting in that it creates a preexisting use, and degrades the wilderness character that Congress had asked the Forest Service to protect.

If you have ever seen motorcycles doing donuts on the mountain tundra next to the alpine lakes, you would shudder with disgust and hate for the for districts that have encouraged and planned for the motorcycles corridors within the magnificent wilderness.

Senator, I beg you to intervene on the side of common sense judgment and force the dismantling of this management system before it becomes a motorcycle mecca.

My home is now in Poncho Springs——

Senator Wirth. We will put it all in the record. Thank you very much, Dave.

STATEMENT OF DAN PIKE

Mr. Pike. Senator, my name is Dan Pike, I am founder of the Western Land Exchange Company along with Tom Glass, who is someone I know you have crossed paths with in the past.

I will do just a closing remark. Aldo Leopold said that the prerequisite of any intelligent tinkering was to save all the pieces. In America we like to tinker and really our only means of saving the pieces are a few pieces of legislation like the Wilderness Act, the Endangered Species Act and a few other limited bills.

For this reason I think that saving the pieces through designating additional wilderness is really, as a nation, a wise and prudent and conservative way to proceed.

Thank you.

Senator WIRTH. Thank you very much, Dan.

STATEMENT OF S. MACON COWLES

Mr. COWLES. Senator, I am Macon Cowles on panel 26, so I have waited a long time with these people. I have a speech which I will file, but I will not give now.

Let me just say that my boyhood was in China. I would like to give a little perspective on this. When I went back three years ago to my China home, it was horrifying to walk in the hills where I used to walk and find that the trees had been cut down for fuel and the land had been ravaged and the birds were silenced and the wildlife was gone.

And I came back to Colorado, 25 years I have been here. And incidently, to my friends, I have ridden my motorcycle along the Rainbow Trail and I have a four-wheel drive. But I came back with the conviction that there is a terrifying urgency about this bill. And I support S. 1343 and will support you in your efforts in this.

Thank you.

Senator WIRTH. Thank you, Mr. Cowles. And I hope you do have a statement that we can include in the record.

Thank you, sir.

STATEMENT OF RITA TOMASI

Ms. TOMASI. My name is Rita Tomasi. I live in unincorporated Arapaho County, and I receive mail from the Denver post office, pay taxes to Aurora, and in case of emergency, may receive assistance from the Cunningham Fire District, and I work in Englewood.

If I am confused by the boundaries of my home area, how do our animals of the wilderness feel. I am on my way to work last Thursday, I saw a law-abiding denizen of the area in a furry, bloody, smashed heap on Arapaho Road. Last month I had seen this coyote in a nearby field, peacefully looking for his rodent lunch, and I was grateful that he would find him in the open field and I would not find that rodent in my basement.

He was not a drunk on the street at night. He was walking through his ill-defined territory, hit by a driver who was infringing upon what was once this coyote's wilderness.

Let us leave wilderness alone so it can thrive, and therefore you and I and all of God's creatures can survive.

I support your bill, and I thank you for the privilege of this opportunity to talk to you today.

Senator WIRTH. Rita, thank you very much. And thank you for being with us.

STATEMENT OF MEG NAGEL

Ms. NAGEL. My name is Meg Nagel, and I am from Denver, Colorado. I am here in support of your bill. I grew up in Colorado, my father grew up in Colorado. My father used to have stories of hiking over Loveland Pass before there was a road over it. My sister, who is 10 years older than I, has stories of going down the Glen Canyon before there was a dam there.

I have stories about walking through Climax and Aspen Forest, that have now been cut down, that I tell my nephews. We are losing opportunities and I think that we need to keep them. I hope that generations to come will not have to say they have nothing to go to. And I think that we need to hold on to all of the opportunities we have now.

Thanks.

Senator WIRTH. Thank you.

STATEMENT OF STEVE HUNTER

Mr. HUNTER. Senator Wirth, my name is Steve Hunter, I live at 1401 East Cornell Avenue in Englewood, Colorado.

I heartily support your bill. My own experience is that I have backpacked for over 30 years in all of the western states except for Nevada and Idaho. I have been in Colorado 20 years, and in that length of time I have seen the number of wilderness users increase very dramatically, to the point where it is now common to see 35 or 40 people a day on a backpacking trip in any of the Colorado wildernesses.

This has certainly decreased the amount of pleasure I get from being in the wilderness, although I understand that there is not much that we can do about it. What I see is a need for more wilderness, and I hope your bill is certainly in that direction, and I hope it succeeds.

I feel that we have too many incompatible uses in the wilderness, which exist, such as grazing, water derivation, and this kind of thing.

In summary, I would say that we need wilderness as a spiritual resource, which, once lost, can never be renewed.

Thank you.

Senator WIRTH. Thank you very much.

STATEMENT OF SARAH BRENNAN

Ms. BRENNAN. Senator Wirth, thank you.

My name is Sarah Brennan, and I am real glad to be able to just thank you for the work you have done for the environment. I support your bill, especially in regard to the Sangre de Cristo area and Lost Creek, because I feel that it is essential to the health of the planet, and therefore the health of every being that lives on the planet, that the few areas that remain in their original state be left intact and untampered with.

And I feel that, in conjunction with this bill, I would like to see a move on all our parts to find a different way of thinking about using the Earth, rather than using it, taking care of it. And find a way to live within the ecosystems and leaving them whole and healthy, and as well as developing renewable and replenishable resources, rather than using up everything that is there.

Thank you.

Senator WIRTH. Thank you, Sarah.

STATEMENT OF GARY RESER

Mr. Reser. Hello, my name is Gary Reser, and I work out at Rocky Flats. And as you well know, it is important at that place that we do not make a mistake because of the very critical nature of these things that we do. And consequently, many of the things we do out there, we do not do many of the things we would like to do, because we know of the very critical nature, and it is just not worth making a mistake.

And so I view this as the same sort of thing. What is the critical nature? Why do we have to make a decision today to turn these lands over to development or to any other use other than no use except for those animals and plants that are living there?

And until that time comes I say let us leave it alone. And so therefore I support the bill.

Thank you, sir.

Senator Wirth. Gary, thank you.

STATEMENT OF GEORGE ROGERS

Mr. Rogers. Hi, I am George Rogers. I am a second-generation native of Colorado. I have lived the entirety of my life here in the state, with the exception of my post-graduate education in Philadelphia.

I like Colorado, actually love it, have loved this place and it is probably the greatest state in the Union, and perhaps one of the nicest places in the entire world.

Down in the Sangre de Cristo area, my mother and stepfather own some property, this is adjacent to the Arkansas River. We have used this area, which is right across from Colddale, or down the road from Colddale, Colorado, since 1966. All of my family and friends use this property for hunting, fishing, rafting, motorcycle riding. We have frequently taken advantage of the adjacent national forest for camping, motorcycle riding and four-wheel drive. Four-wheel drive is for the older people, motorcycling for those of us that can still ride.

I have two children and several friends that ride sections of the Rainbow Trail, open to motorcycles several times each summer. In addition to which, we use the other four-wheel drive roads in the area.

I cannot think of a single person in my extended family and friends that backpack or ride horses. In others words, the access to this area via motorcycles and four-wheel drive is very important to us.

Please do not deny our family access to this recreational resource by creating this Sangre de Cristo wilderness study area, at least in its present form that denies us the access.

Thank you for considering my opinion and our needs.

Senator Wirth. Thank you very much.

Is there anybody else who would like to speak?

STATEMENT OF JIM MAUCKER

Mr. Maucker. My name is Jim Maucker. I am a member of the Colorado Off-Highway Vehicle Coalition. I am opposed to the following areas being placed under wilderness status: American Flats, Davis Peak, Fossil Ridge, Lost Creek, Oh-Be-Joyful, Vasquez, St. Louis Peak, Sangre de Cristo, and Wheeler Geologic.

I wish to elaborate on my position to wilderness status for all portions of the Sangre de Cristo wilderness study area. I have ridden motorcycles on almost all the trails on four-wheel drive roads currently open to motor vehicles in the Sangre de Cristo area. These are good, tough, challenging, fun trails and roads. They have been used for motorized recreation by generations of bikers and jeepers.

I have ridden this area with friends ranging from 14 years old to 50-plus years old. I have met bikers in their twenties who have ridden this area since childhood; their grandfathers helped build these trails.

We have ridden from Adano Pass in the south to north Haden Pass, including much of the Rainbow Trail, the Comanche Trail, South Colony Road, Lake of the Clouds Trail, and others, all of which are multiple-use routes, open to motor vehicles. When we ride in this area, we spend money for food, gas and other commodities in such communities as Wilsonberry, West Cliff, Silver Cliff and others.

I believe that multiple use is the appropriate thing.

Senator WIRTH. Thank you very much.

I have a feeling that people who just keep coming in here I think are probably from people going downstairs and finding people to come up here and speak.

Please go ahead.

STATEMENT OF DR. WILLIAM A. REHRIG

Dr. REHRIG. Senator Wirth, Bill Rehrig from Littleton, Colorado.

As a U.S. citizen interested in the maintenance and preservation of certain wilderness areas and as an exploration geologist with professional experience and interest in the discovery and exploitation of natural resources, I would like to make the following statement.

Among the many areas proposed for the entry into the wilderness inventory in Colorado, there certainly are some which warrant wilderness status and which contain very little promise regarding mineral potential. Others, however, do pose an obvious conflict with past mining and exploration activity, and these areas, furthermore, possess excellent inherently endowed opportunities for future discovery.

As a president of a company whose prime objective for the past eight years has been the assessment and exploration targeting of public lands open to mineral location, I have already submitted documentation regarding the most obvious of conflicts in a number of the proposed wilderness areas.

These areas are only those where clear and abundant evidence exists for minable past, present and future mineral occurrences. Other WSAs have favorable geologic characteristics which have controlled the localization of yet undiscovered deposits. Although much of that total acreage proposed for wilderness status may have had resource evaluations by governmental agencies, recent add-ons have not.

Furthermore, I would ask whether such resource expertise is ever finally entered into the system.

Thank you.

Senator **Wirth**. Thank you very much.

STATEMENT OF FRED MADISON

Mr. **Madison**. Senator Wirth, my name is Fred Madison, and I would like to say that I support your amendment because I think we need more wilderness areas. I do not think there is enough. I wish there were more added on to what is already there. But I understand that that is probably the best that can be done.

And I hope that maybe my granddaughter will think that I helped preserve something besides a highway and a bunch of buildings.

Thank you very much.

Senator **Wirth**. Fred, thank you very much.

STATEMENT OF MARY PARKMULLER

Ms. **Parkmuller**. Senator Wirth, I am Mary Parkmuller, 9481 West Cornell Place, Lakewood.

I am here as a mother and a enjoyer of wilderness. I do support your bill. I feel it is very important to have a spiritual place to go that is undisturbed by man. I feel that man has changed and controlled much of the land. I feel that less than 5 percent of Colorado is not enough to be preserved in wilderness in its natural state.

I would like my children and their grandchildren to have a place to go, as I did as a child, to enjoy and see the harmony of nature and all the beauty that is naturally existing without man's interference.

Thank you.

Senator **Wirth**. Mary, thank you very much.

Is there anybody else who would like to put their oar in on this issue?

[No response.]

Senator **Wirth**. For those of you who so patiently waited and who were interested in contributing, I will give you some numbers. The people who came up and just said where they were coming from, there were 97 people who were proponents of wilderness, and 11 opponents. Of the people who testified in the two-minute and one-minute segments, there were 99 proponents and 35 opponents. Whatever that means, right? The public notices went out to everybody and everybody knew that they were there.

I thought it was an interesting kind of a cross section. I certainly feel that we heard from all segments of the state today, and we certainly heard from just about every interest imaginable.

I am sure there are some others out there who will let us know within the next few days that they were very unhappy not to have been heard and that we did not wait for them, but I am going to shut it up now so that we do not hear from them today; maybe in the future.

But to all of you, I thank you very much for coming. I really appreciate it. I especially want to thank David Brooks, Jim O'Toole and Alison Spalding from the committee staff who came out from

Washington for this. And I want to thank the Wirth staff especially, Jim Martin and Alan Salezar, Suzanne Bowen and Joe Bryan, who put all of this together, and many others who have made it possible.

Our thanks as well to the city council for allowing us to be here, and the citizens of the city of Denver, who are paying overtime to the people who kept the building open.

So thank you all very much, and the meeting will be adjourned.

[Whereupon, at 5:25 p.m., the hearing was adjourned.]

APPENDIX

STATEMENTS AND ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT ON COLORADO WILDERNESS DESIGNATION

GOVERNOR ROY ROMER
OCTOBER 28, 1989

I support the designation of additional wilderness areas in Colorado. Colorado has 18 Wilderness Study or Further Planning Areas under temporary protection until Congress acts on the question of whether these areas should be designated as wilderness. It is time to conclude this process.

Wilderness designation is stalemated over the question of water rights. We need to separate the issue of water rights for the currently proposed wilderness areas located in headwaters from the issue of whether there should be water rights for potential future wilderness areas situated downstream.

In headwater areas, wilderness water rights are not an issue because there is no water above the wilderness area to be diverted. In downstream areas, however, wilderness water rights could adversely affect the development of Colorado's compact entitlement or our water rights system.

In light of these circumstances, I support the following concepts and believe they should be included in any wilderness bill:

1) For the proposed new headwater areas, I support express federal reserved water rights. These rights should be adjudicated in state courts pursuant to the McCarren Amendment and administered within the framework of existing state water law.

2) We do not need to address the question of downstream wilderness water rights at this time since currently pending proposals do not include any such areas. If downstream wilderness areas are proposed, we must consider the water rights question on a case-by-case basis.

3) Any bill should explicitly address only water rights in wilderness areas created by the bill. Water rights in existing areas -- a matter in litigation -- should not be addressed, nor should water rights in future areas yet to be created.

4) Attention must be paid to the question of wilderness water rights in the existing North Platte Wilderness Area. In this case, a solution must be crafted that will not preempt Colorado water law or impair our rights under the decree of the U.S. Supreme Court.

5) Provisions in previous legislation concerning water resource facilities and projects located in wilderness areas should not be changed.

6) I have not analysed the proposed wilderness boundaries. In concept, boundaries should minimize conflicts with existing and contemplated future uses. I will have a more detailed position on boundaries after examining the three bills which I understand may be introduced to establish wilderness in Colorado.

Many details remain to be negotiated. For example, we must assure that bill language pertains only to new and not to existing wilderness areas. Questions also remain as to the specific quantity of water needed for wilderness. Resolving these issues will take hard work and dedication by all parties.

I am struck by how close we are to compromise. I believe agreement is possible within the principles I have articulated today. I call on both of Colorado's Senators to continue their good efforts to conclude this process and move to the successful passage of a Colorado wilderness bill.

Testimony by Congressman David E. Skaggs

On Colorado Wilderness Issues

Subcommittee on Public Lands, National Parks, and Forests
Committee on Energy and Natural Resources
United States Senate

Denver, Colorado
October 28, 1989

I'm pleased to have the opportunity to appear before you today, Mr. Chairman, and express my thoughts on the major issues facing Congress as it considers legislation to designate as wilderness additional national forest lands in Colorado.

To begin with, I want to thank and congratulate you, Mr. Chairman -- Tim -- for all you have been doing and are doing on this important issue. You've taken the lead in introducing the first Colorado wilderness bill in the 101st Congress. And now you've brought your subcommittee home to Colorado to hear from all these people who are interested in testifying on that bill. You've been a tireless leader on this issue, and I hope that within the next year you'll see the fruits of your efforts as Congress passes a major Colorado wilderness bill.

I'm not here today to endorse specific boundary lines or specific legislative language. I'm here to endorse wilderness. I'm here to say that I, as one member of our state's congressional delegation, am ready, willing, and eager to do all I can to get passed a long-overdue Colorado wilderness bill.

If we are going to pass such a bill, we will first need to answer two questions. First, do we want to preserve more land? Second, do we want to preserve water to go with that land?

My answer would be "yes" to both questions.

We are blessed to have in Colorado some of the most majestic, awe-inspiring, pristine lands in the world. It is Colorado's magnificent mountains which drew many of us and our ancestors to move to here. Those mountains draw most of the millions of people who travel to Colorado from around the nation and, indeed, the world. And most of those people come not to ski in the winter, but to hike, camp, fish, and enjoy the scenery and wildlife in the summer.

So our wilderness is vital to our economy. That's certainly by itself a strong reason for protecting this precious resource. But, as important as economic reasons are, they pale beside the larger philosophical and moral reasons to protect wilderness. And those reasons can be found in the answer to this simple question: Do we who happen to be here now have the right to rob those who will be here in the future of the chance to know in its untrammeled perfection some of the most spectacular mountain country ever created by the forces of nature?

I say: we do not have that right.

Instead, we have the right -- even more, we have the duty -- to do everything in our power to preserve enough of this state's wonders so that future generations will thank us instead of curse us.

How much is enough? I can't say precisely, because too much work must go into reviewing each individual tract of land to determine what should be done with it. But I can say that much more land needs to be set aside. Less than three percent of Colorado's land has been given the permanent protection of wilderness designation. This is a lower percentage than has been set aside in California, Idaho, Montana, Washington, and Wyoming. What's more, the congressional representatives of those states are busily seeking additional wilderness designations for those states. And if I can engage in a bit of state pride, I believe our state has more spectacular lands than those states. We certainly have more and higher mountains.

So I am confident that for much more of our state's lands the highest and best use is to set them aside to remain in pristine condition for all time. And I am not just talking about the rocks and ice of mountain peaks where there are no resource conflicts. We also need to set aside as much as we can of entire ecosystems, including especially the forested slopes where there may sometimes be other possible uses.

But setting aside just the land won't be enough. Because in recent years new questions have arisen whether a wilderness designation brings with it a right to leave enough water in the wilderness to keep it from drying up. It would be an empty exercise to preserve the land if we do not also preserve water to go with it.

But the reality is that we can completely avoid any actual conflict over water rights. Mr. Chairman, you wisely restricted the proposed wilderness designations to headwaters areas -- areas that streams flow out of, but not into. I endorse this approach. It avoids all conflicts with other possible future water use. Because the reserved water right that accompanies a wilderness designation is a right to leave water in its natural stream. That right benefits future downstream users, because the wilderness right ensures that the water will stay in the stream and be available for consumptive use after it leaves the wilderness area.

By limiting the next round of wilderness designations to headwaters areas, we can defer until future bills the water conflicts that we will need to work out when we get to downstream wilderness areas -- particularly downstream BLM wilderness areas. But we're not at that point now. And it would be a mistake to continue to hold hostage those wilderness areas that don't have anything to do with possible future water conflicts.

If we in Congress can agree to limit the next wilderness bill to headwaters areas only, then I don't believe we need to include any water-rights language in the bill. I realize this would be a different course than you have suggested in your bill, Mr. Chairman. But it seems to me that, for a couple of reasons, it would be preferable to not specify any new water-rights language.

First, as I've already indicated, I don't believe there would be any real conflicts because the areas would all be upstream of future users and existing senior water rights. If anybody could identify a specific problem, we could consider and deal with that specific case.

Second, although the court-created system of reserved water rights is not ideal, it is at this point well-established and well-known. Certainly, with more than half of the nation's water lawyers here in Denver, we're well equipped to understand that the existing reserved-rights doctrine as it would apply in headwaters wilderness areas would not inhibit future water use. To adopt new legislative language could interject an unnecessary measure of uncertainty, confusion and, perhaps, unintended substantive consequences. Would Colorado-specific language create more or less of a water right in our wilderness areas? If it would be a greater right, might that inhibit future water use in a way that we don't want? If it would be a lesser right, might that not create a lesser degree of wilderness protection in our state than in other states?

For these reasons, I'd like to see Congress pass a Colorado wilderness bill without any special water language. And if we do have any water-rights provisions, I'll do my best to see that it's language ensuring that we do reserve water for wilderness and that it's sufficient to protect wilderness values.

I look forward, Mr. Chairman, to working with you and others in our delegation and in the appropriate committees to pass a Colorado wilderness bill in the next year. I've spoken more than once with my colleague, Ben Nighthorse Campbell, who of course represents the area where most of the proposed wilderness is. I

believe that he's working on his own bill to introduce, and I look forward in particular to working with him on the House side.
I am confident that among us in the Colorado delegation there is a substantial desire to pass legislation. I would very much like for this to be the Congress in which we break through the differences and delays that have for several years prevented passage of a bill. I stand ready to help in any way I can to accomplish that goal.

Again, I want to thank you Mr. Chairman for allowing me to appear before you today and for bringing this hearing to Colorado.

BEFORE THE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LAND, NATIONAL PARKS AND FORESTS
REGARDING S. 1343 CONCERNING
DESIGNATION OF ADDITIONAL WILDERNESS AREAS
WITHIN THE STATE OF COLORADO

TESTIMONY OF FRANK E. (SAM) MAYNES
MEMBER WATER RIGHTS NEGOTIATING TEAM
REPRESENTING
THE SOUTHWESTERN WATER CONSERVATION DISTRICT OF COLORADO
AND
RIO GRANDE WATER CONSERVATION DISTRICT
October 28, 1989

Mr. Chairman and Members of the Subcommittee:

I am Frank E. (Sam) Maynes, Legal Counsel for the Southwestern Water Conservation District. I have participated as a member of the Wilderness Water Rights Negotiation Team, representing both the Southwestern Water Conservation District and the Rio Grande Water Conservation District.

Before I continue, on behalf of the Southwestern Water Conservation District, I want to thank Senator Wirth for his support for water resource development in the state of Colorado, and more particularly, for his help in the passage of the Colorado Ute Indian Water Rights Settlement Act of 1988. That legislation provides for the construction of a vital project that will supply water to both Colorado and New Mexico, as well as to the Colorado Ute Indian Tribes. The value of compromise, as demonstrated in that legislation, is something which I believe has direct applicability to the issues before us today.

The issue of designating future wilderness areas in Colorado is integrally related to a determination of how wilderness areas will affect water usage now and in the future. This relationship results from the fact that water in our state is a precious and scarce commodity. Water, if reserved for wilderness areas, will no longer be available to meet competing needs. Farmers, industrial users and municipalities fear that the creation of wilderness water rights will impose new limitations on current and future operations and opportunities. In the wake of a Federal District Court decision which held that water was impliedly reserved by Congress in creating wilderness areas, the fear associated with new wilderness designations and the scrutiny applied to them has been dramatically heightened. Those fears will not be alleviated unless the process of designating wilderness areas yields certainty and reasonable accommodation for the legitimate interests of those who must rely upon this scarce resource for survival.

We have long been aware of the desires of the environmental community to designate additional wilderness areas. Areas included for study as wilderness are scattered throughout our state. Some of those areas are located in the headwaters of streams and are significantly removed from our farms and cities. Other areas which have been studied are downstream from sites of heavy water use and projected growth. While concern exists about any additional wilderness designations, the creation of downstream wilderness areas, a potentiality which is admittedly contemplated by environmental associations and some federal agencies, is a serious threat to the future of Colorado. My clients, who statutorily represent the water users in southwestern Colorado, seek protection from the uncertainty in water availability that is posed by the specter of downstream wilderness areas. We want the assurance that, if we acquiesce in the establishment of headstream wilderness areas, we will not be forced at some future date to engage in additional, prolonged defense against the threat of downstream wilderness areas. This assurance has not been given by environmental associations, nor is it provided in S. 1343.

Section 201(a)(1) of the proposed legislation states that where it exists in wilderness, water is vital to the natural values and recreation uses intended to be preserved. If downstream wilderness areas are created in the future, this broad congressional finding will be used to jeopardize existing upstream uses. The creation of downstream wilderness areas, in light of this proposed finding, would impose strict water quantity and quality limitations upon other water users. The federal water right established in conjunction with a downstream wilderness area could prevent any exchanges or changes of use in water rights no matter how necessary to accommodate changing conditions for both agriculture and municipalities. For existing projects, any change in their method of operation, whether because of drought or because of changing conditions, would be subservient to the junior water right created by Congress. The flexibility which has been the hallmark of the Colorado water appropriation system would be substantially eroded.

Two arguments are frequently presented to suggest that this legislation will have no impact upon the downstream wilderness question. First, the legislation states that it is not intended to determine the existence or the scope of any water right arising from other federal legislation. The bill does not preclude future federal legislation creating downstream wilderness areas. Thus, this legislation essentially preserves for another day an intensive battle over downstream areas. We believe that the lack of resolution of that issue is a critical flaw in the bill.

Secondly, some would have you believe that because express wilderness water rights will be junior water rights, they will have no impact upon senior water users. Twenty-five years ago, when a farmer or rancher wished to change the use of a senior water right from agriculture to another beneficial use, the competing water users were primarily other farmers and ranchers, and, in some instances, municipalities. In 1989, however, as a result of the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, the Colorado River Salinity Control Act, and the Wild and Scenic River Act, a senior water right holder has lost much of the flexibility and value of what he thought was a vested interest.

The state of Colorado has developed an instream flow program pursuant to which it has obtained junior water rights on over 8,000 miles of Colorado streams guaranteeing minimum stream flows. Senior water right holders can make no change or alteration in water rights use without the potential for objection from that junior user. The creation of a new federal junior water right, particularly in downstream areas, would add a major additional impediment to use of upstream water by senior water users. Thus, we conclude that neither argument adequately answers the downstream wilderness threat left unresolved by this bill.

Some of us who are charged with protecting water use in Colorado are inaccurately portrayed as opposing additional wilderness designation. I am convinced that additional wilderness areas in Colorado will be designated. While I may well question why federal wilderness water rights, which duplicate state instream flow rights, are necessary, especially in headwater areas, I nonetheless believe that compromise will result in the creation of such a federal water right for headstream wilderness areas. The other side of that compromise, however, requires resolution of the downstream wilderness issues which cannot be ignored. Over a period of two years, the water rights negotiating team made it clear that their willingness to recognize a federal water right for headwaters wilderness areas was conditioned upon certainty that there be no express or implied federal water right for non-headwaters wilderness stream segments. The effect of Senator Wirth's proposed bill is to remove from discussion the only subject which could induce compromise regarding downstream wilderness areas.

We believe that Colorado citizens deserve an equitable solution to a conflict which has long-term effects upon this state's future. The pluralism of legitimate interests in this debate necessitates a comprehensive solution in which no one group of constituents takes all at the expense of the others.

As I indicated in my opening statements, Senator Wirth's spirit of compromise has served us well in resolving difficult water issues in southwestern Colorado. Though marked by caution and occasional frustration, the results of that compromise have served to benefit many diverse interests. We appeal to Senator Wirth, and to the other members of the Subcommittee, to renew their faith in compromise in considering the merits of S. 1343.

TESTIMONY OF

DAVID H. GETCHES, EXECUTIVE DIRECTOR,
COLORADO DEPARTMENT OF NATURAL RESOURCES

BEFORE THE PUBLIC LANDS SUBCOMMITTEE
OF THE HOUSE INTERIOR COMMITTEE
REGARDING H.R. 34 and H.R. 4233

June 10, 1986

Introduction

Chairman Seiberling and members of the subcommittee, I thank you for the opportunity to appear before you. I am testifying on behalf of the state of Colorado, Governor Richard D. Lamm, and myself. I am the Executive Director of the Colorado Department of Natural Resources which includes the Water Conservation Board, the Division of Water Resources which is the office of the State Engineer, and the Divisions of Mined Land Reclamation, Mines, Wildlife, Parks, the State Land Board, Oil and Gas Conservation Commission, Geological Survey, and Soil Conservation Board.

I appeared before this subcommittee on May 10, 1984 in support of a bill very similar to Congressman Wirth's H.R. 34. While continuing to support the proposed wilderness designations set forth in H.R. 34, the state of Colorado is pleased to make additional comments regarding the issue of maintaining streamflows through wilderness areas. Events intervening between our earlier testimony and today make it necessary and desirable to address the water rights issue, which is the subject of Congressman Strang's H.R. 4233. That bill would defer in the first instance to the state instream flow appropriation system as a means of maintaining streamflows in wilderness areas, a concept which we support.

Designation of a Colorado Wilderness

In Colorado we are fiercely proud of our 2.6 million acres of spectacular wilderness. These wilderness areas provide us with matchless opportunities for recreation -- hiking, hunting, fishing, wildlife viewing, camping and skiing to name a few. They have incalculable value in helping to keep our watersheds pure, our air clean, our wildlife insulated from increasing great conflicting demands for land. They are living laboratories for research. And, perhaps most important, they are refuges where human needs for solitude and reflection can be satisfied. Even those who do not visit wilderness enjoy psychic benefits knowing that wild areas are there.

The State of Colorado strongly supports the designation of the 773,675 acres of new wilderness provided for in Congressman Wirth's bill today. H.R. 34 would provide six additions to existing wildernesses and add twelve new areas to our Colorado wilderness system. The state has reached its position based on visits by representatives of the Department of Natural Resources and the Governor's Office to most of the sites and a thorough review or available information and alternative boundaries for all the sites. We have consulted with representatives of diverse interests -- recreational, agricultural, mining, local government, ranching, oil and gas, and environmental. We have satisfied ourselves that the sites and boundaries recommended today succeed in striking an appropriate balance between many competing interests.

Today there is a broad base of public support for wilderness. Plainly, it fits into our "national portfolio" as a long-term investment, a trust for future generations. Congress recognized this when it directed management of the public lands for multiple uses, purposes that include wilderness preservation and the attendant non-intensive uses for fish and wildlife habitat and recreation. As a result, the American wilderness enterprise has become a source of national pride and an example to other nations.

Wilderness now enjoys such tremendous popularity that it is becoming scarce and, in some cases, overused. Specifically, demand for wilderness is growing rapidly as Colorado's population grows. This is especially apparent in Colorado where recreation is so vitally important and dispersed recreation is in ever increasing demand. Recreation and tourism have become the second largest industry in Colorado. Last year the tourism industry generated $4.4 billion, accounting for 103,000 jobs in Colorado. It produced over $550 million in total tax revenues. These numbers represent more than a 30 percent increase since 1980, making tourism and travel one of the fastest growing and healthiest segments of Colorado's economy.

The quest for a wilderness experience is becoming increasingly important in meeting recreation demand. Colorado is known for it grand outdoors and vistas, its fifty-four 14,000-foot peaks, its superb fish and wildlife, blue skies and solitude. Many of these treasures are enshrined within our wilderness areas.

It is essential that we proceed with additional wilderness designation to expand heavily-used existing wilderness areas and to add the necessary new areas to the wilderness system in Colorado.

Streamflows in Wilderness Areas

A recent federal district court decision has held that reserved water rights are created by implication when Congress sets aside wilderness and the decision is now on appeal. Sierra Club v. Block, 622 F. Supp. 842 (D. Colo. 1985). The Colorado Water Conservation Board intervened in the lower court proceedings and is also a party to the appeal. The Board disagrees with the court's conclusion that reserved water rights arise by implication from wilderness designation. It will be some months before the Tenth Circuit Court of Appeals rules on the appeal and there has been an opportunity for the United States Supreme Court to review the matter. In the meantime, Coloradans are plagued with uncertainty about whether streamflows in wilderness areas are protected by federal reserved rights and, if so, under what circumstances and to what extent.

Uncertainty is the enemy of the prior appropriation system of water rights which exists in Colorado and much of the West. It is not the number or size of state created water rights that may be affected by reserved rights that concerns us. The State Engineer and I recently reported to Senator Hart and Representatives Brown and Kramer al their request (copy of report attached) on the number and size of water rights that may conflict with wilderness reserved rights. We found that the conflicts in existing and proposed wilderness areas are few and limited.

But we are deeply concerned about the disruptive effect of a federal intrusion of unquantified rights that do not respect our well-established state water rights system, a system that is understood and observed by all other water users in the state. As the United States Supreme Court recently said:

> Certainty of rights is particularly important with respect to water rights in the Western United States. The development of that area or the United States would not have been possible without adequate water supplies in an otherwise water-scarce part of the country. The doctrine of prior appropriation, the prevailing law in the Western states, is largely a product of the compelling needs for certainty in the holding and use of water rights.

Arizona v. California, 460 U.S. 605, 620 (1983).

Not only are serious questions raised about the security and value of any water rights that may be affected by the existence of federal reserved water rights in wilderness areas. The other side of the issue is that all of us who are interested in the integrity of wilderness areas -- and, of course, the federal land management agencies -- need assurance that there is an effective vehicle for protecting streamflows. The best protection is in the limitations on access, activities, and construction within wilderness areas. But because the reserved rights issue has been raised, we believe that Congress should address the issue explicitly in a 1986 Colorado Wilderness Act.

Our preferred approach for dealing with the instream flow issue is through the state instream flow appropriation system, utilizing the general approach of H.R. 4233. We believe that the Colorado instream flow protection system can do the best job of achieving certainty for water uses and of protecting instream flows needed for wilderness areas. Congressman Strang's bill would defer to the state system and we believe that it can be the basis of an approach which would allow the wilderness designations proposed in H.R. 34 to be made with adequate streamflow protection and without interference or disruption of the state prior appropriation system.

The Colorado instream flow protection System is operated under the Colorado Water Conservation Board (CWCB). It has several important attributes.

- o CWCB's program works. In 1973, the Colorado General Assembly recognized instream flows as a beneficial use. Since then, nearly 6,500 miles of Colorado streams have been protected.

- It is a versatile system. Though nearly all the appropriations to date have been based on biological criteria for flows needed to sustain cold water fisheries, the statutory criterion for appropriations is the amount of water needed "to preserve the natural environment to a reasonable degree." C.R.S. § 37-92-102(III). Nearly all appropriations so far have been part of a program to preserve habitat, but as the statutory language states, the Board has broad discretion to protect diverse values. In addition, this year the general assembly amended the Act especially to invite federal agencies to use the system to recommend instream flows needed for federal lands.

- It is enforced. As a member of the Water Conservation Board, I can testify that rarely a meeting goes by without action being taken by the Board to enforce its instream flow rights through participation in judicial proceedings. Typically, the Board's staff presents statements of opposition which they have directed the Attorney General to file in Colorado water court for the Board's ratification. The staff has standing orders to have statements of opposition filed in every matter where there is any possible injury to the Board's instream flow rights. Virtually all statements of opposition are ratified. Occasionally, the possibility of injury is so remote or the injury so insignificant that the opposition is dropped, but no impartial observer would say that the Board is not diligent in its protection of its rights. Often, terms are negotiated within the context of the water court proceedings which allow for a stipulation dismissing the opposition in return for the other party agreeing to protect the Board's instream flow right, such as through a plan to augment stream flow with water from another source.

- It is accepted by waters users. One of the great virtues of the CWCB's instream flow protection system is that it fits neatly into the state's prior appropriation system of water rights. Thus, it has the respect of water users. A law accepted by those affected always works better than a law that is resented and resisted. The doctrine of reserved rights is the subject of suspicion and scorn in the West. Its assertion is and will be resisted because it gives rise to uncertainty by insinuating unquantified rights out of priority among the otherwise orderly and predictable list of established rights in a watershed.

In many ways, Colorado's instream flow appropriations can provide better protection for streamflows in wilderness than the protection afforded by reserved rights. Reserved rights for instream flows have not ever been quantified for areas in the National Wilderness Preservation System. No federal agency has claimed them to my knowledge. In Sierra Club v. Block, the Forest Service has steadfastly resisted asserting reserved rights for Colorado wilderness areas. If they were asserted, the priority date would be the date of wilderness designation -- 1980 in the case of 2.6 million acres of existing Colorado wilderness; 1986 at the earliest for newly designated wilderness areas. Reserved water rights would protect against only new appropriations that would deplete flows, rights that would arise after the dates of wilderness designation. By contrast, Colorado's instream flow protection program already has made 304 appropriations of instream flow rights in designated and candidate wilderness areas. Of these, 79 appropriations in streams in proposed wilderness areas, and 85 appropriations in streams in existing wilderness areas are senior to the dates of designation. A list of instream flow rights which have been appropriated by the Board in existing and proposed areas has been furnished the committee.

An alternative approach to using the state instream flow protection system would be to acknowledge explicitly the existence of federal reserved rights for instream flows in wilderness areas. According to the decision in Sierra Club v. Block, the priority date of such reserved rights would be the date of wilderness designation. The quantity, however, is uncertain. Legislation should speak to this point if Congress chooses to recognize reserved rights. Clear standards to guide the determinations of the Colorado water courts should be made. Case law indicates that the quantity of water reserved under the doctrine of reserved rights is "only that amount of water necessary to fulfill the purpose of the reservation, no more." See Cappaert v. United States, 426 U.S. 128 (1976). Congress should specify purposes for which water is needed in wilderness areas. The standards should be carefully and clearly stated so that the water court can apply them with a minimum of confusion. Alternatively, Congress could hold hearings and provide exact quantifications for the hundreds of streams involved. But this seems highly unnecessary, because, the water court can do the job with participation from all interested parties.

I want to stress that our preferred approach is to leave the matter to the Colorado Water Conservation Board which has made filings on a large number of streams already, and is prepared to continue with the task of quantifying instream flow appropriations. The most acceptable accommodation would be to defer to the state instream flow program with no reserved rights, except to the extent it can be shown that the program fails to protect flows in wilderness areas according to clearly articulated standards.

In conclusion, we urge that the subcommittee combine the forward looking wilderness designation proposals of H.R. 34 with the concept of protecting streamflows in those areas embodied in H.R. 4233. Some redrafting of H.R. 4233 is needed. For instance, the description of instream flows protected by the state system should be changed to comport with the language of the state instream flow law.

I believe that protection of water-based wilderness values can be accommodated with rights to use and develop waters established under Colorado's prior appropriation system. our pride in the spectacular treasures that are Colorado's wild areas makes us want to see them protected and managed so that our grandchildren can know and enjoy them as we know and enjoy them. That goal can be compatible with long range economic security that depends on water resources to be used both in and out of the stream.

Although the diverse group of Coloradans here today will share a variety of perspectives with the subcommittee, we actually have more in common than we have in disagreement. I believe that we are up to the task of resolving wilderness water rights issue. We have not only some of the nation's finest back country; we also have some of the best minds in water law and policy. If this subcommittee is committed to pursuing Colorado wilderness designation legislation, like Congressman Wirth's H.R. 34, and to finding a means of preserving streamflows that respects the state water rights system, as does Congressman Strang's H.R. 4233, you will have our utmost and complete cooperation and support.

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WILDERNESS AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Big Blue	Big Blue Creek	84/05/04	3.3	8.0
Big Blue	Cow Creek	84/05/04	7.0	5.0
Big Blue	East Fork Cimarron River	84/05/04	9.5	8.0
Big Blue	El Paso Creek	83/07/07	3.5	3.0
Big Blue	Elk Creek	80/03/17	9.9	3.0
Big Blue	Firebox Creek	84/05/04	5.7	2.0
Big Blue	Independence Gulch	80/03/17	5.7	1.0
Big Blue	Larson Creek	80/03/17	5.0	2.0
Big Blue	Little Cimarron River	84/05/04	16.4	2.0
Big Blue	Middle Fork Cimarron River	84/05/04	9.5	4.0
Big Blue	Nellie Creek	83/07/07	5.7	2.5
Big Blue	West Fork Cimarron River	84/05/04	10.4	2.0
Cache la Poudre	Bennett Creek	78/01/19	11.0	1.0
Cache la Poudre	Cache la Poudre River	85/11/08	21.6	38.0
Cache la Poudre	Cache la Poudre River	85/11/08	12.0	55.0
Cache la Poudre	South Fork Cache la Poudre	78/01/19	8.0	15.0
Collegiate Peaks	Bowman Creek	82/06/03	4.6	4.0
Collegiate Peaks	Denny Creek	77/11/15	2.5	5.0
Collegiate Peaks	Frenchman Creek	79/03/14	6.0	2.5
Collegiate Peaks	Hughes Creek	79/03/14	4.0	1.0
Collegiate Peaks	Illinois Creek	83/07/17	6.7	3.0
Collegiate Peaks	Lincoln Creek	76/01/14	8.0	8.0
Collegiate Peaks	North Cottonwood Creek	77/11/15	6.5	7.0
Collegiate Peaks	North Fork Clear Creek	77/11/15	5.0	8.0
Collegiate Peaks	Pieplant Creek	84/05/04	5.7	1.5
Collegiate Peaks	Pine Creek	77/01/19	5.0	10.0
Collegiate Peaks	Pine Creek	82/06/03	5.9	2.0
Collegiate Peaks	Red Mountain Creek	84/05/04	7.5	2.5
Collegiate Peaks	South Fork Clear Creek	77/11/15	6.0	8.0
Collegiate Peaks	Tellurium Creek	84/04/05	6.1	2.0
Collegiate Peaks	Three Elk Creek	80/05/07	7.1	4.0
Comanche Peak	Corral Creek	78/01/19	5.0	2.0
Comanche Peak	Fish Creek	78/01/19	6.0	2.0
Comanche Peak	Little Beaver Creek	78/01/19	9.0	2.0
Comanche Peak	Sheep Creek	78/07/11	3.0	4.0
Comanche Peak	South Fork Cache la Poudre	78/01/19	7.0	10.0
Eagles Nest	Bighorn Creek	77/07/27	5.0	3.0
Eagles Nest	Booth Creek	77/07/27	4.0	3.0
Eagles Nest	Brush Creek	77/01/19	3.0	3.0
Eagles Nest	Cataract Creek	80/01/30	6.2	3.0
Eagles Nest	Freeman Creek	77/07/27	3.0	1.0
Eagles Nest	Gore Creek	77/07/27	7.0	5.0
Eagles Nest	Harrigan Creek	77/01/19	4.0	1.0
Eagles Nest	Hay Camp Creek	77/01/19	4.0	1.0
Eagles Nest	Maryland Creek	77/01/19	2.0	1.0
Eagles Nest	Meadow Creek	85/11/08	5.5	3.0
Eagles Nest	Middle Willow Creek	77/01/19	2.0	2.0
Eagles Nest	North Rock Creek	77/01/19	6.0	5.0

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WILDERNESS AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Eagles Nest	North Tenmile Creek	85/11/08	6.1	3.0
Eagles Nest	North Willow Creek	77/01/19	4.0	3.0
Eagles Nest	Officers Gulch	85/11/08	2.7	1.5
Eagles Nest	Otter Creek	77/01/19	4.0	3.0
Eagles Nest	Pebble Creek	77/01/19	2.0	1.0
Eagles Nest	Pitkin Creek	77/07/27	5.0	3.0
Eagles Nest	South Brush Creek	77/01/19	2.0	2.0
Eagles Nest	South Rock Creek	77/01/19	4.0	4.0
Eagles Nest	South Willow Creek	77/01/19	6.0	3.0
Eagles Nest	Squaw Creek	77/01/19	2.0	1.0
Flat Tops	Bear River	77/09/23	2.0	5.0
Flat Tops	Bear River	77/09/23	2.5	5.0
Flat Tops	Mandall Creek	77/09/23	3.0	9.0
Flat Tops	Papoose Creek	80/05/07	6.4	2.5
Flat Tops	Ripple Creek	80/05/07	4.2	4.0
Flat Tops	Sand Creek	77/09/23	3.5	4.0
Flat Tops	Skinny Fish Creek	80/05/07	3.0	6.0
Flat Tops	Sweetwater Creek	80/05/07	19.8	18.0
Flat Tops	Trout Creek	77/09/23	2.0	5.0
Flat Tops	Ute Creek	80/05/07	10.1	6.0
Holy Cross	Beaver Creek	75/05/01	7.0	4.0
Holy Cross	Carter Creek	73/07/12	1.0	1.0
Holy Cross	Cross Creek	78/05/12	5.0	5.0
Holy Cross	Cross Creek	78/05/12	8.0	8.0
Holy Cross	Cross Creek	78/05/12	3.5	10.0
Holy Cross	East Brush Creek	77/07/27	10.0	4.0
Holy Cross	East Cross Creek	78/05/12	2.5	4.0
Holy Cross	Fall Creek	78/05/13	8.0	5.0
Holy Cross	Grouse Creek	78/05/12	5.0	1.0
Holy Cross	Lake Fork Creek	77/01/19	2.0	4.0
Holy Cross	Last Chance Creek	73/07/12	5.5	1.5
Holy Cross	Lime Creek	73/07/12	7.7	1.5
Holy Cross	Longs Gulch	82/06/03	6.2	2.0
Holy Cross	Nolan Creek	85/09/06	2.9	1.5
Holy Cross	North Fork West Tennessee Creek	79/03/14	2.0	2.0
Holy Cross	Notch Mountain Creek	78/05/12	2.5	1.0
Holy Cross	Sopris Creek	78/05/12	3.0	2.0
Holy Cross	Squaw Creek	80/03/17	5.3	1.0
Holy Cross	West Cross Creek	78/05/12	5.0	4.0
Holy Cross	West Grouse Creek	78/05/12	5.5	1.0
Holy Cross	West Tennessee Creek	77/11/15	4.0	4.0
Holy Cross	Whitney Creek	78/05/12	2.5	1.0
Hunter-Fryingpan	Chapman Gulch	73/07/12	3.8	1.5
Hunter-Fryingpan	Hunter Creek	79/01/31	1.5	6.0
Hunter-Fryingpan	Hunter Creek	75/02/26	6.2	14.0
Hunter-Fryingpan	Hunter Creek	79/01/31	1.9	3.5
Hunter-Fryingpan	Hunter Creek	75/02/26	1.9	8.5
Hunter-Fryingpan	Hunter Creek	75/02/26	1.5	11.0

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WILDERNESS AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Hunter-Fryingpan	Hunter Creek	79/01/31	6.2	16.0
Hunter-Fryingpan	Lost Man Creek	76/01/14	3.5	4.0
Hunter-Fryingpan	Midway Creek	75/02/26	0.6	2.5
Hunter-Fryingpan	Midway Creek	79/01/31	0.6	2.5
Hunter-Fryingpan	Mormon Creek	73/07/12	0.3	1.0
Hunter-Fryingpan	No Name Creek	75/02/26	0.7	3.0
Hunter-Fryingpan	No Name Creek	79/01/31	0.7	1.0
Hunter-Fryingpan	Roaring Fork River	76/01/14	7.0	10.0
Indian Peaks	Beaver Creek	78/07/11	4.0	3.0
Indian Peaks	Coney Creek	78/07/11	3.5	3.0
Indian Peaks	North Fork Middle Boulder Creek	78/07/11	7.0	7.0
Indian Peaks	South St. Vrain Creek	78/07/11	16.0	8.0
La Garita	Cebolla Creek	80/09/09	4.8	4.0
La Garita	Chavez Creek	82/06/03	6.0	1.5
La Garita	Cochepota Creek	82/06/03	12.1	4.0
La Garita	East Fork Cebolla Creek	80/09/09	4.7	1.0
La Garita	East Fork Los Pinos Creek	82/06/03	4.1	1.0
La Garita	Middle Fork Saguache Creek	82/10/07	15.5	6.0
La Garita	Nutras Creek	82/06/03	7.7	2.5
La Garita	Pauline Creek	82/06/03	10.7	2.0
La Garita	Perfecto Creek	82/06/03	6.1	0.5
La Garita	Rough Creek	80/09/09	7.3	1.5
La Garita	South Fork Saguache Creek	82/10/07	5.7	4.0
La Garita	Stewart Creek	82/06/03	5.4	2.5
La Garita	Tumble Creek	80/09/09	3.6	2.5
La Garita	West Fork Cebolla Creek	80/09/09	6.0	2.0
Lizzard Head	Coal Creek	83/05/05	4.3	2.0
Lizzard Head	Coke Oven Creek	84/07/13	2.4	1.0
Lizzard Head	Cold Creek	84/07/13	2.0	2.0
Lizzard Head	Fall Creek	84/07/13	11.5	5.0
Lizzard Head	Slate Creek	84/07/13	3.9	2.0
Lizzard Head	West Dolores River	83/05/05	9.0	9.0
Lost Creek	Craig Creek	80/05/07	12.2	8.0
Lost Creek	Kenosha Creek	84/01/05	5.6	1.0
Lost Creek	Lost Creek	80/05/07	5.6	5.0
Lost Creek	Wigwam Creek	80/05/07	12.2	3.0
Maroon Bells-Snowmass	Avalanche Creek	75/07/09	4.5	10.0
Maroon Bells-Snowmass	Capitol Creek	76/01/14	13.0	10.0
Maroon Bells-Snowmass	Castle Creek	76/01/14	16.0	12.0
Maroon Bells-Snowmass	Conundrum Creek	76/01/14	9.0	9.0
Maroon Bells-Snowmass	Copper Creek	80/03/17	5.9	7.0
Maroon Bells-Snowmass	East Maroon Creek	76/01/14	5.0	10.0
Maroon Bells-Snowmass	East Sopris Creek	76/01/14	11.0	3.0
Maroon Bells-Snowmass	Middle Brush Creek	80/03/17	7.5	10.0
Maroon Bells-Snowmass	Perry Creek	80/03/17	4.1	2.0
Maroon Bells-Snowmass	Rustler Creek	84/05/04	2.5	4.5
Maroon Bells-Snowmass	Snowmass Creek	76/01/14	17.0	12.0
Maroon Bells-Snowmass	West Brush Creek	80/03/17	7.0	9.0

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WILDERNESS AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Maroon Bells-Snowmass	West Snowmass Creek	76/01/14	3.0	3.0
Maroon Bells-Snowmass	West Sopris Creek	76/01/14	7.0	3.0
Mt. Evans	Camp Creek	84/01/05	3.2	1.0
Mt. Evans	Deer Creek	84/01/05	6.1	2.0
Mt. Evans	Elk Creek	84/01/05	20.6	5.0
Mt. Evans	Scott Gomer Creek	78/07/11	10.0	4.0
Mt. Evans	Tanglewood Creek	84/01/05	2.8	1.0
Mt. Evans	Threemile Creek	78/07/11	5.0	1.0
Mt. Evans	West Chicago Creek	84/01/05	7.0	1.5
Mt. Massive	Busk Creek	79/03/14	5.0	3.0
Mt. Massive	North Fork Lake Creek	77/01/19	7.0	10.0
Mt. Sneffels	West Fork Dallas Creek	84/05/04	6.3	2.5
Mt. Zirkel	Bear Canyon Creek	77/09/23	2.5	3.0
Mt. Zirkel	Big Creek	77/09/23	11.0	15.0
Mt. Zirkel	Burn Creek	77/09/23	2.0	1.0
Mt. Zirkel	Gilpin Creek	77/09/23	3.5	16.0
Mt. Zirkel	Gold Creek	77/09/23	2.0	8.0
Mt. Zirkel	Mica Creek	77/09/23	2.0	6.0
Mt. Zirkel	Norris Creek	81/12/03	6.3	7.0
Mt. Zirkel	North Fork Elk River	77/09/23	5.0	14.0
Mt. Zirkel	Soda Creek	77/09/23	7.0	5.0
Mt. Zirkel	South Fork Elk River	77/09/23	10.0	20.0
Mt. Zirkel	Stevens Creek	77/09/23	1.5	4.0
Mt. Zirkel	Three Island Creek	77/09/23	3.0	3.0
Mt. Zirkel	West Fork Encampment River	78/09/19	9.0	15.0
Mt. Zirkel	Whalen Creek	81/12/03	3.4	3.0
Mt. Zirkel	Wolverine Creek	77/09/23	3.0	4.0
Neota	Montgomery Creek	78/01/19	1.5	1.0
Neota	Neota Creek	78/01/19	2.0	1.0
Neota	North Fork Joe Wright Creek	78/01/19	3.0	2.0
Neota	Trap Creek	78/01/19	7.0	3.0
Never Summer	South Fork Michigan River	81/12/03	9.0	3.0
Raggeds	Middle Creek	84/05/04	3.4	1.5
Raggeds	Ruby Anthracite Creek	84/05/04	6.9	2.5
Raggeds	Trout Creek	84/05/04	5.1	1.0
South San Juan	Adams Fork Conejos River	82/10/07	6.9	5.0
South San Juan	Conejos River	82/10/07	5.2	10.0
South San Juan	Conejos River	82/10/07	10.8	25.0
South San Juan	El Rito Azul	82/10/07	4.3	2.0
South San Juan	Elk Creek	82/10/07	15.2	6.0
South San Juan	North Fork Conejos Creek	82/10/07	3.0	8.0
South San Juan	Quartz Creek	80/01/30	7.5	8.0
South San Juan	Rio de los Pinos	82/10/07	6.0	7.0
South San Juan	Saddle Creek	82/10/07	5.3	3.0
South San Juan	Sand Creek	80/01/30	7.5	4.0
South San Juan	South Fork Conejos River	82/10/07	12.6	10.0
South San Juan	Treasure Creek	82/10/07	4.9	5.0
Weminuche	Black Creek	80/07/08	2.9	1.5

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WILDERNESS AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Weminuche	Cunningham Creek	84/07/13	6.6	12.0
Weminuche	East Fork Piedra River	76/03/16	9.0	10.0
Weminuche	Goose Creek	82/08/16	18.5	8.0
Weminuche	Hope Creek	80/07/08	5.1	5.0
Weminuche	Ivy Creek	82/08/16	5.8	2.0
Weminuche	Leopard Creek	82/08/16	7.6	1.5
Weminuche	Los Pinos	84/07/13	9.3	32.0
Weminuche	Middle Fork Piedra River	78/03/16	9.0	11.0
Weminuche	Quartzite Creek	82/08/16	1.9	1.0
Weminuche	Rio Grande	82/08/16	6.1	8.0
Weminuche	Rio Grande	82/08/16	9.4	20.0
Weminuche	Rio Grande	82/08/16	10.0	20.0
Weminuche	South Fork Rio Grande	80/07/08	5.1	4.0
Weminuche	Squaw Creek	82/08/16	11.4	5.0
Weminuche	Texas Creek	82/08/16	9.8	5.0
Weminuche	Trout Creek	82/08/16	10.0	15.0
Weminuche	Turkey Creek	80/01/30	12.5	4.0
Weminuche	Ute Creek	82/08/16	5.8	12.0
Weminuche	Weminuche Creek	82/08/16	5.2	4.0
Weminuche	Weminuche Creek	78/03/16	12.0	9.0
Weminuche	West Fork San Juan River	80/01/30	11.3	8.0
Weminuche	Williams Creek	80/01/30	7.9	6.0
West Elk	Cliff Creek	84/05/04	9.9	6.0
West Elk	Coal Creek	84/05/04	8.4	5.5
West Elk	Coal Creek	84/05/04	2.1	9.0
West Elk	Curecanti Creek	84/05/04	9.9	3.0
West Elk	Little Gunnison Creek	85/05/04	3.8	2.0
West Elk	Mill Creek	80/03/17	7.5	5.0
West Elk	North Castle Creek	80/03/17	6.0	7.0
West Elk	Ohio Creek	80/03/17	25.5	12.0
West Elk	Pass Creek	80/03/17	6.8	3.0
West Elk	Robinson Creek	84/05/04	7.3	5.0
West Elk	Steuben Creek	84/05/04	9.5	1.0
West Elk	Willow Creek	80/03/17	17.4	2.0
** TOTAL **			1436.3	

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CANDIDATE AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Buffalo Peaks	Fourmile Creek	79/03/14	6.0	1.5
Buffalo Peaks	Low Pass Gulch	82/06/03	5.4	2.0
Buffalo Peaks	Lynch Creek	79/03/14	2.8	0.5
Buffalo Peaks	Pony Creek	79/03/14	4.6	0.5
Buffalo Peaks	Rich Creek	76/01/14	4.5	3.0
Buffalo Peaks	Rough and Tumbling Creeks	76/01/14	10.1	8.0
Buffalo Peaks	Twelvemile Creek	76/01/14	8.7	8.0
Buffalo Peaks	Twobit Gulch	82/06/03	4.4	2.0
Buffalo Peaks	Willow Creek	79/03/14	3.5	0.5
Cannibal Plateau	Brush Creek	80/09/09	6.8	6.0
Cannibal Plateau	Calf Creek	80/09/09	4.9	2.0
Cannibal Plateau	Deer Creek	80/09/09	3.4	1.5
Davis Peaks	Beaver Creek	78/09/19	10.0	5.0
Fossil Ridge	Crystal Creek	82/06/03	8.5	4.0
Fossil Ridge	Gold Creek	80/03/07	9.0	7.0
Fossil Ridge	West Willow Creek	84/05/04	4.2	2.0
Greenhorn Mtn.	South Apache Creek	76/01/14	4.5	1.0
Oh-Be-Joyful	Oh-Be-Joyful Creek	80/03/17	1.5	8.0
Piedra	Piedra River	78/03/16	7.0	35.0
Sangre de Cristo	Bear Creek	82/06/03	2.1	0.5
Sangre de Cristo	Big Cottonwood Creek	80/05/07	6.4	3.0
Sangre de Cristo	Buttermilk Creek	82/06/03	1.9	1.0
Sangre de Cristo	Cascade Creek	77/09/23	2.0	2.0
Sangre de Cristo	Central Branch Huerfano River	79/03/14	3.0	0.5
Sangre de Cristo	Cherry Creek	77/01/19	3.0	2.0
Sangre de Cristo	Deep Creek	79/03/14	4.0	1.0
Sangre de Cristo	Dry Creek	77/11/15	3.0	2.0
Sangre de Cristo	Dutch Creek	79/03/14	3.0	1.0
Sangre de Cristo	Goodwin Creek	77/11/15	3.0	3.0
Sangre de Cristo	Grape Creek	82/06/03	3.7	1.0
Sangre de Cristo	Hamilton Creek	77/01/19	3.0	2.0
Sangre de Cristo	Hiltman Creek	79/03/14	4.0	2.0
Sangre de Cristo	Horn Creek	77/11/15	4.0	2.0
Sangre de Cristo	Howard Creek	80/05/07	4.1	2.0
Sangre de Cristo	Lake Creek	80/05/07	4.8	5.0
Sangre de Cristo	Macey Creek	77/11/15	4.0	2.0
Sangre de Cristo	Middle Brush Creek	82/06/03	4.6	1.5
Sangre de Cristo	Middle Prong Hayden Creek	82/06/03	3.4	2.0
Sangre de Cristo	Music Pass Creek	82/06/03	3.4	0.5
Sangre de Cristo	North Brush Creek	82/06/03	4.5	1.5
Sangre de Cristo	North Colony Creek	82/06/03	3.1	0.5
Sangre de Cristo	North Greenleaf Creek	82/06/03	2.0	0.5
Sangre de Cristo	North Prong Hayden Creek	82/06/03	3.6	2.0
Sangre de Cristo	North Taylor Creek	77/11/15	4.0	4.0
Sangre de Cristo	South Colony Creek	79/03/14	7.0	4.0
Sangre de Cristo	South Fork Huerfano River	79/03/14	4.0	1.0
Sangre de Cristo	South Greenleaf Creek	82/06/03	1.6	2.0
Sangre de Cristo	South Prong Hayden Creek	82/06/03	4.4	2.0

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CANDIDATE AREA INSTREAM FLOW APPROPRIATIONS

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW PROGRAM

WILDERNESS AREA	INSTREAM FLOW APPROPRIATION	APPROP DATE	LENGTH (miles)	AMOUNT (cfs)
Sangre de Cristo	Stout Creek	77/01/19	3.0	4.0
Sangre de Cristo	Strawberry Creek	79/03/14	2.0	1.0
Sangre de Cristo	Swift Creek	77/11/15	3.5	3.0
Sangre de Cristo	Venable Creek	77/11/15	3.0	3.0
Sangre de Cristo	West Creek	77/01/19	4.0	4.0
Sangre de Cristo	Wolf Creek	80/05/07	2.9	1.0
Service Creek	Green Creek	77/09/23	6.0	5.0
Service Creek	Harrison Creek	77/09/23	4.0	4.0
Service Creek	North Fork Service Creek	77/09/23	4.0	1.0
Service Creek	Service Creek	77/09/23	5.0	2.0
Service Creek	Service Creek	77/09/23	12.0	6.0
Service Creek	Silver Creek	77/09/23	12.0	5.0
Service Creek	South Fork Service Creek	77/09/23	3.0	2.0
Service Creek	South Fork Silver Creek	77/09/23	4.0	3.0
Spanish Peaks	White Creek	79/03/14	8.0	3.0
Spruce Creek	Woody Creek	76/01/14	13.0	6.0
St. Louis Peak	Darling Creek	79/05/18	0.6	2.0
St. Louis Peak	Keyser Creek	79/05/18	9.5	3.0
St. Louis Peak	Kinney Creek	79/05/18	5.7	2.0
West Needle	Lime Creek	84/07/13	9.3	6.0
Wheeler Geologic	East Bellows Creek	82/08/16	11.7	3.0
Wheeler Geologic	West Bellows Creek	82/08/16	8.1	3.0
Williams Fork	Acorn Creek	85/11/08	2.0	1.0
Williams Fork	Bobtail Creek	79/05/18	1.4	1.0
Williams Fork	South Fork Williams Fork River	79/05/18	1.5	2.5
Williams Fork	South Fork Williams Fork River	79/05/18	1.6	3.0
Williams Fork	South Fork Williams Fork River	79/05/18	0.7	2.0
Williams Fork	Steelman Creek	79/05/18	0.6	0.1
Williams Fork	Steelman Creek	79/05/18	1.0	1.0
Williams Fork	Williams Fork River	79/05/18	0.1	1.0
Williams Fork	Williams Fork River	79/05/18	2.4	2.5
** TOTAL **			360.8	

OCTOBER 28, 1989

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

TESTIMONY OF CARL TRICK,
NORTH PARK RANCHER AND
MEMBER OF WATER RIGHTS NEGOTIATING TEAM
REPRESENTING COLORADO CATTLEMEN'S ASSOCIATION
AND COLORADO COUNTIES, INC.

REGARDING S.1343

Mr. Chairman and Members of the Subcommittee:

Adverse Effects of Wilderness Designation on North Park Residents

For years residents of Jackson County (North Park) have repeatedly gone on record as being opposed to the designation of additional wilderness in Jackson County, Colorado. Prior and during the RARE II program, and many times thereafter, they have informed congressional representatives that there is already more than enough land designated as wilderness in and adjacent to Jackson County. This position has not changed.

The residents and local economy are directly and adversely impacted by continued wilderness designation as more timbered lands become unavailable to the local timber industry, and as additional local tax dollars are required to defend existing vital water rights that may be jeopardized by wilderness designation. We were even provided with additional designated wilderness in Jackson County, courtesy of another state, when a 600-700 acre strip along the North Platte River in Colorado was included in the Wyoming Wilderness Bill.

We already have more than our fair share of federal lands committed to restricted use accompanying the wilderness designation. Now, an additional 36,000 acres, known as the Davis Peak Addition to the existing Mount Zirkel Wilderness, is being proposed. Approximately 24,675 acres of this proposed addition are located within Jackson County. If this additional acreage were to be designated, over 30% of all National Forest lands in our county would be committed to restricted use. All recent proposed boundaries for the Davis Peak Addition go far beyond the original boundaries of the Davis Peak Further Planning Area established by Congress and subsequently recommended for inclusion by the U.S. Forest Service.

Apparently, each proposer of a boundary feels that he has more extensive knowledge of the actual ground conditions than the U.S. Forest Service personnel who have first hand knowledge of the area. The proposed boundaries contained in S. 1343 enclose clear cuts, areas with jeep roads crossing the terrain, and a developed water supply system for the Big Creek Lakes National Forest Campground. Evidently this area can still be considered unspoiled "untrammeled land" without the physical evidence of man, because the jeep roads can be discounted, as they can be reclassified under the double standard as "ways," but, to the best of our knowledge, there has not been a double standard developed that will provide means to overlook clear cuts and developed water systems.

Exclude the Proposed Davis Peak Addition

Because of the potential adverse economic impacts associated with wilderness designation, Jackson County residents contend that the Davis Peak Addition does not have unspoiled unique wilderness attributes, and since the Davis Peak Area now provides for dispersed motorized recreation, we strongly urge you to exclude all of it from any new Colorado Wilderness Legislation.

Protect Colorado Water Rights and Disclaim a Reserved Water Right for the Downstream North Platte Wilderness

We are well aware of the extensive negotiations and hard work of the Colorado Water Rights Negotiating Team in developing settlement principles which would allow Colorado to designate additional wilderness, but would at the same time preserve our ability to develop and manage our water resources. We are in basic agreement with the settlement principles. However, we cannot agree with, nor do we support the inclusion and designation of the Davis peak Addition to the Mount Zirkel Wilderness as a portion of the approximately 750,000 acres proposed for additional high altitude headwater wilderness.

Because of the Sierra Club lawsuit asserting the creation of federal water rights in the designation of wilderness and Judge Kane's decision, it is imperative that water rights for wilderness areas be very specifically worded, so as not to be destructive to Colorado's long established water rights system. Such headwater wilderness designations must be derived from a bona fide Congressional determination that Colorado's present and future needs for water for its economic health and sustenance are not and will not be impaired by downstream wilderness designations. Any water rights for designated headwater wilderness areas should be quantified and adjudicated in the courts of the State of Colorado, using the quantification standard employed by the Colorado Water Conservation Board Instream Flow Program or the quantification standard adopted by the U.S. Supreme Court in the New Mexico case. Any such headwater reserved rights should have a reservation date as of the date the wilderness legislation is enacted, and these rights should be subject to the presidential authority of the Wilderness Act to allow the construction of additional water facilities to make additional water withdrawals from wilderness areas in the future.

Congressional legislation that could create express reserved water rights for headwater wilderness areas must be expressly worded so as not to create any type of precedent suggesting federal water rights for downstream non-headwater areas where portions of the stream above the areas flow through non-federal land or federal land which has not been designated as wilderness. As wilderness areas are created downstream from the headwaters, problems compound, and the impacts become increasingly more severe. Reserved water rights for the non-headwater, downstream wilderness areas would significantly limit Colorado's ability to develop new water supplies, administer existing water diversions, and manage effectively Colorado water resources through trade and exchanges. Non-headwater downstream federal wilderness water rights could "call" vital water past communities, commercial developments, and agricultural operations upstream from the wilderness area. This would severely hamper local areas and the state from diversifying their economic base and future needs. Downstream non-headwater wilderness areas with reserved water rights would also severely impact interstate water compacts and equitable apportionment entitlements.

Jackson County now has the dubious distinction of having the only downstream wilderness area in the State of Colorado, the North Platte Wilderness. A federal reserved water right for this non-headwater wilderness would be devastating to our local area, and could stop any future development or use of water apportioned to Colorado as the result of past expensive litigation with the states of Nebraska and Wyoming. The only way Colorado can accomplish the use and development of all the waters to which it is entitled under the equitable apportionment decrees of the Supreme Court for the North Platte is to disclaim any intention to create a federal wilderness water right for this downstream wilderness or to remove the Colorado portion of the North Platte wilderness from wilderness status. A downstream federal water right for the North Platte Wilderness would put our water rights administration system into chaos and adversely affect all future developments above this wilderness area, affecting either stream flow patterns or water diversion. Our county residents must have the option in the future to develop water storage for our agricultural industry and develop our entitlements for future drinking water, jobs, and recreation. Any new Colorado wilderness legislation must specifically and clearly state that there are no implied or express water rights for wilderness purposes attached to the waters of the North Platte River within Colorado.

Any new Colorado wilderness bill should not convey any message or intent that any implied water rights exist in any of the already designated Colorado Wilderness Areas. Implied wilderness reserved water rights only lead to confusion, uncertainty, and expensive litigation. Any new wilderness legislation should make it very clear that nothing in that legislation can be construed in any way to suggest that Congress reserved water for any previously designated wilderness areas within Colorado. A new Colorado wilderness bill should also very clearly provide for statutory access and means of access for the construction, completion, operation, repair, maintenance, or replacement of water facilities needed to exercise water rights in existing designated Colorado wilderness areas, or in any new wilderness areas designated by the new act.

Only Preservationist Interests are Being Given a Voice In S.1343. Other Colorado Interests are Ignored.

There has been a drastic move away from the original intent and standards of the Wilderness Act of 1964 in determining suitable areas for wilderness designation, resulting in an imbalance favoring preservation and restriction, and ignoring the need for economic and industrial development which will enable all Colorado residents to survive and prosper. We strongly urge you to consider our comments during the congressional consideration of any new wilderness bill for Colorado. We expressly urge you to exclude the Davis Peak Addition to the Mount Zirkel Wilderness and disclaim any intention to create a reserved water right for the downstream North Platte Wilderness Area.

APPENDIX A

AN ANALYSIS OF WILDERNESS WATER RIGHTS IMPACTS

Wilderness Area A, shown on Exhibit 1, is located in a high elevation, headwaters area and consists entirely of headwaters stream segments. All of the streams within Wilderness Area A arise completely within the wilderness and there are no existing water rights located within or above the wilderness area. And since the streams arise completely within the wilderness area, there is no land lying upstream which may be developed. The presence of a federal reserved instream flow water right in Wilderness Area A causes no impact to existing water rights but does remove the potential for future water development within the wilderness. Wilderness Area A is typical of the majority of those presently existing in Colorado.

Wilderness Area B is also located in a high elevation mountain headwaters area except that in this case the wilderness contains a mixture of headwaters stream segments and non-headwaters, or downstream, segments. There are existing water rights located on some of the streams within the wilderness area. Where such water rights are present, only the segments lying upstream from these water rights are considered headwaters. In addition, Spruce Creek, which passes through the extreme western portion of Wilderness Area B, arises outside the wilderness area. Since the upper reaches of Spruce Creek are available for further development, Spruce Creek is categorized as a downstream segment. Some of the existing wilderness areas in Colorado and many of those currently being considered for designation are like Wilderness Area B, containing a combination of headwaters and downstream segments.

In the case of Wilderness Area B, the presence of a federal reserved instream flow water right has serious implications. If such wilderness water rights claim all of the remaining unappropriated water in all of the stream segments within the wilderness as alleged by the Sierra Club and other environmental preservationist organizations, then any further water development which would diminish the flow of water in any stream segment within the wilderness would be prohibited! No new appropriations could be made on any of the streams within the wilderness area, nor could any appropriations be made on the upstream portions of Spruce Creek outside the wilderness boundary. The existing water rights currently diverting water from within and upstream of the wilderness area could not be expanded nor enlarged. Furthermore, movement of points of diversion within the wilderness to locations farther upstream would not be allowed.

By distinguishing between headwaters and downstream segments, many of the water rights conflicts are avoided. Further development of the water resource in stream segments lying downstream from existing water rights would be permitted.

Furthermore, development on Spruce Creek, specifically the upstream section lying outside the wilderness area, also would be permissible. However, changes in points of diversion farther upstream within the wilderness would still not be allowed.

Wilderness Area C is located at a lower elevation than either A or B, and is situated farther downstream. None of this wilderness area would be classified as headwaters because it lies downstream from developable land and the majority, if not all, of the streams flowing through the wilderness arise from outside the wilderness area. Only small tributaries which arise completely within the wilderness boundary, such as the one shown in the western portion of the wilderness area, would be headwaters stream segments. Wilderness Area C typifies the majority of the lower elevation areas now being considered for wilderness designation, especially the numerous Bureau of Land Management Wilderness Study Areas.

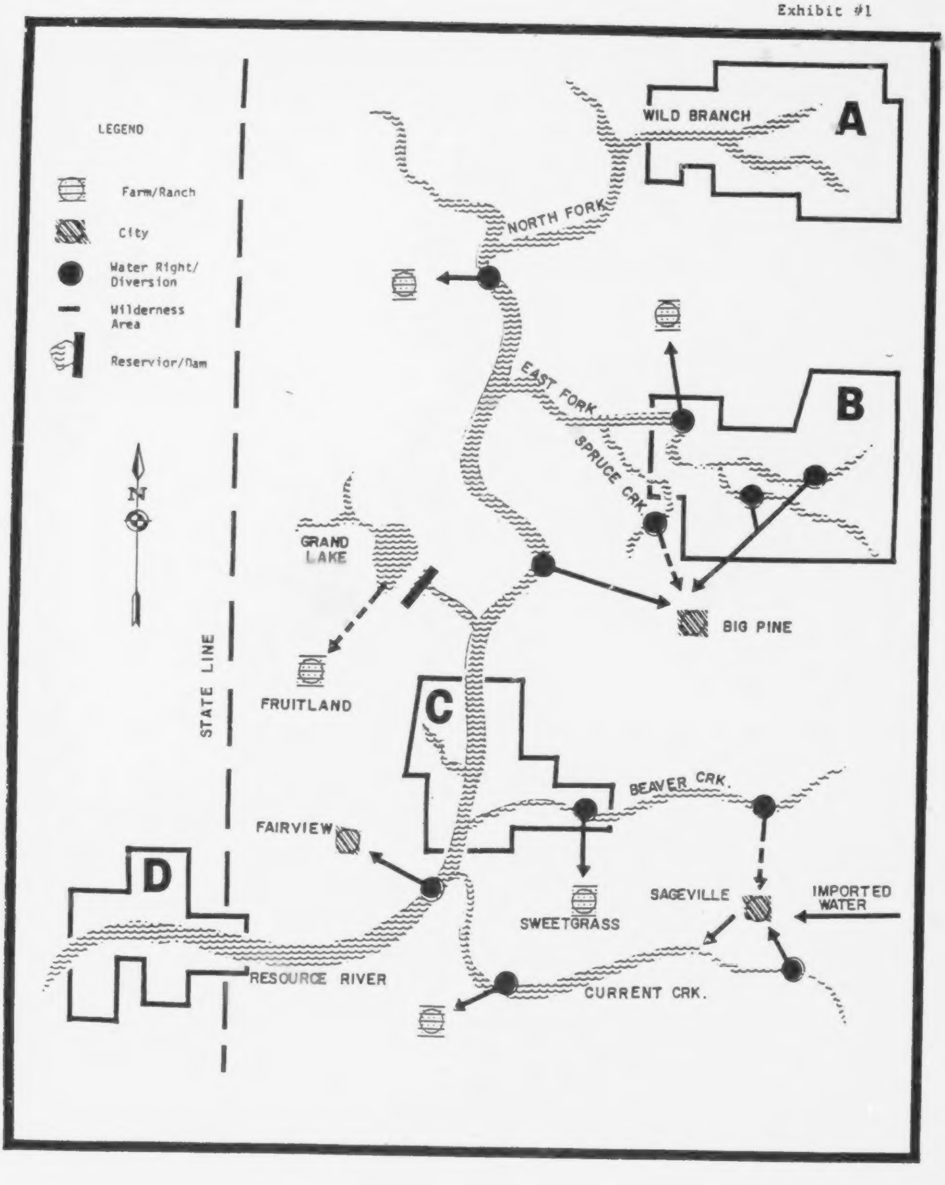
In the case of Wilderness Area C, federal reserved instream flow water rights which claim all of the remaining unappropriated water in the streams within the wilderness have very serious impacts to both existing water rights and to potential future water development. Obviously, movement of points of diversion to locations farther upstream within the wilderness area and expansion of existing water rights within the wilderness area boundaries would not be allowed, nor could any new appropriations of water within the wilderness boundaries be made. But more significantly, no new appropriations of water at any location within the drainage basin upstream from the wilderness, nor any other water rights changes which would diminish the flow of water through the wilderness area, would be allowed! Because of the downstream low-elevation proximity of this type of wilderness, the adverse impacts would be extremely far reaching. Countless water rights would be affected and potential for new growth and development would be totally removed.

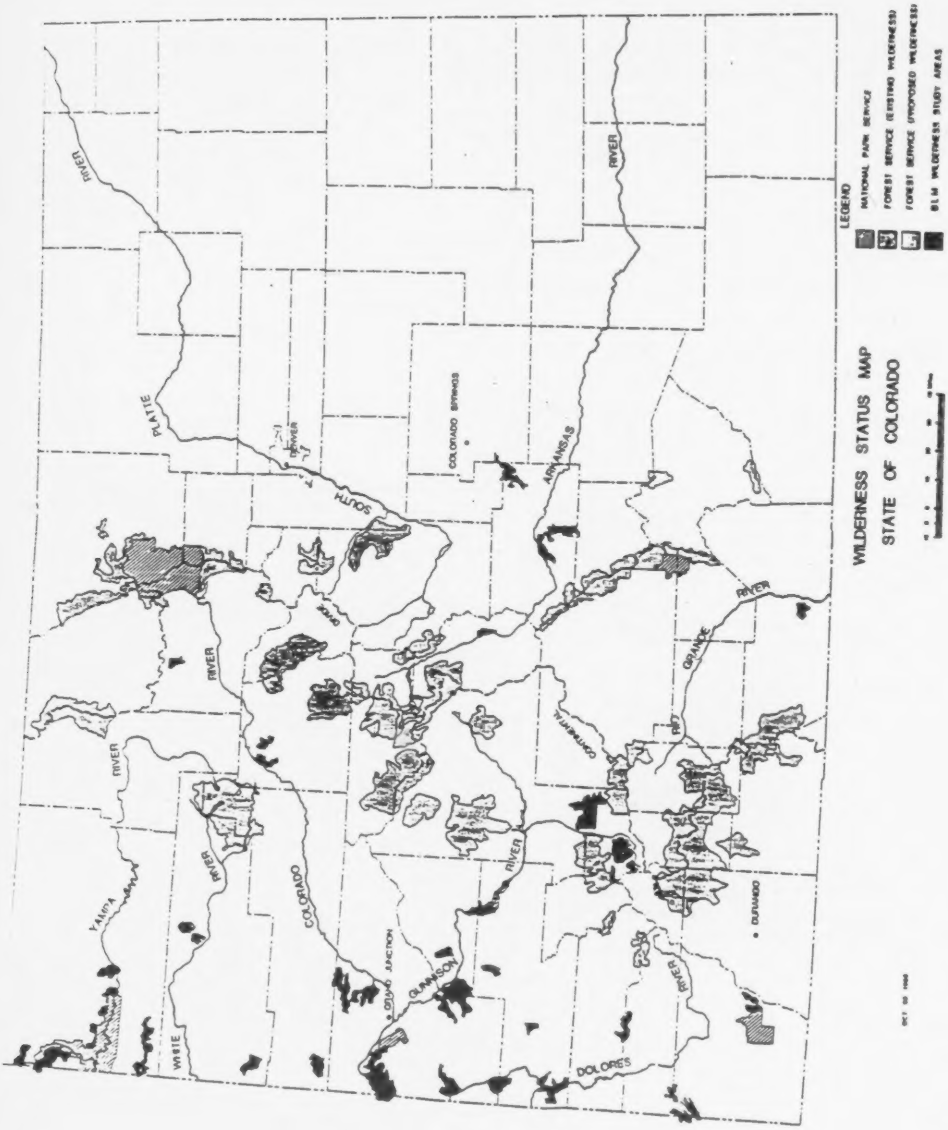
Besides preventing new appropriations of water and changes in points of diversion which may be needed, Wilderness Area C also removes many opportunities for more effective management and utilization of limited resources through exchanges and sales or leases. For example, the Town of Sageville imports water from another river basin and discharges the imported return flows into Current Creek. Sageville desires to reuse these imported return flows via an exchange whereby a new diversion would be initiated from Beaver Creek and the out-of-priority depletions would be replaced with imported return flows delivered to Current Creek and subsequently to the Resource River. Such an exchange is common in Colorado and, in this case, can easily be operated so long as the water right held by the Sweetgrass Irrigation Company is not injured. A variation of this exchange could also be an arrangement whereby the Town of Sageville sells some of its imported return flows to the Sweetgrass Irrigation Company. Sweetgrass would merely increase its diversions from Beaver Creek through its existing facilities. The additional depletions would be replaced in the Resource River by Sageville's imported return flows delivered down Current Creek. However, if Wilderness Area C includes federal reserved instream flow water rights as described above, then *none* of these *exchanges would be possible* because flows in portions of Beaver Creek and the Resource River within the wilderness area would be diminished! On the other hand, if federal wilderness reserved instream flow water rights are specifically disclaimed in downstream wilderness areas, or at most are limited to more realistic quantities in the downstream segments, such as determined by the aquatic life criteria currently used by the Colorado Water Conservation Board, then innovative management techniques involving exchanges of water could be effectively utilized.

It has been alleged that the satisfaction of wilderness water rights requires the *maintenance* of *historic stream flow regimens*. The historic stream flow regimen, it is also alleged, includes not only the historic *natural* flow variations, but also the *contemporary* flows which have occurred historically. In other words, if man, through the normal operation of a water system, has caused variations in flow on stream segments which subsequently are included within a newly designated wilderness, then these *man-made flow variations must be continued* in order to *satisfy* the *wilderness water right*! This type of requirement can obviously wreak havoc with water development opportunities. For example, referring again to Wilderness Area C on Exhibit 1, the Town of Fairview owns and operates Grand Lake as a part of its water supply. The standard operating procedure for Fairview, as with most reservoir systems in Colorado, is to fill Grand Lake with the spring and summer snowmelt runoff. Releases are then made from Grand Lake down the Resource River to Fairview during the balance of the year as the water is needed. For the sake of illustration, let's suppose that this practice of delivering reservoir water down the Resource River was carried on for a number of years prior to the designation of Wilderness Area C. Following the designation of the wilderness area, the Fruitland Irrigation Company desires to purchase a portion of Fairview's water from Grand Lake and have it delivered via a new pipeline, as illustrated. Such an arrangement between Fruitland and Fairview would no longer be possible because of the resulting decrease in contemporary flows through Wilderness Area C. Thus, the presence of the *wilderness water right* effectively *precludes one's constitutional right* to purchase or dispose of personal property!

Wilderness Area D is also a downstream wilderness area located at a lower elevation, and like Wilderness Area C, contains no headwaters segments. The distinction of Wilderness Area D is that it is a "state line" wilderness, that is, it encompasses lands from two adjoining states. It is shown on Exhibit 1 to illustrate the impacts that such wilderness areas can have on equitable apportionment decrees and interstate compacts. If Wilderness Area D includes a federal reserved water right for all of the remaining unappropriated water in the Resource River, then obviously the upstream state, which would be Colorado in most cases, could be prevented from exercising any unused entitlements under its equitable apportionment decrees or interstate compacts, because such action would diminish the flow of water through Wilderness Area D in the downstream state. Such limitations would have the effect of reallocating water among basin states, would void major agreements previously made among states and ratified by the U. S. Congress, and would seriously damage the upstream state's economy! Such a state line wilderness area already exists within Colorado and Wyoming, encompassing the main stem of the North Platte River. It must be made perfectly clear in our laws that neither the designation of wilderness areas nor the existence of federal wilderness reserved instream flow water rights, whether express or implied, can affect state entitlements under river compacts or equitable apportionment decrees!

Exhibit #1


LEGEND
Farm/Ranch
City
Water Right/ Diversion
Wilderness Area
Reservior/Dam
N
STATE LINE
A
WILD BRANCH
NORTH FORK
EAST FORK
B
SPRUCE CRK.
GRAND LAKE
BIG PINE
FRUITLAND
C
BEAVER CRK.
FAIRVIEW
D
SWEETGRASS
SAGEVILLE
IMPORTED WATER
RESOURCE RIVER
CURRENT CRK.


WILDERNESS STATUS MAP
STATE OF COLORADO
LEGEND
NATIONAL PARK SERVICE
FOREST SERVICE (EXISTING WILDERNESS)
FOREST SERVICE (PROPOSED WILDERNESS)
B L M WILDERNESS STUDY AREAS
SOUTH PLATTE RIVER
DENVER
COLORADO SPRINGS
ARKANSAS RIVER
RIO GRANDE RIVER
YAMPA RIVER
WHITE RIVER
COLORADO RIVER
GRAND JUNCTION
GUNNISON RIVER
DOLORES RIVER
DURANGO
CONTINENTAL DIVIDE

APPENDIX B

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

August 12, 1989

FEDERAL RESERVED WATER RIGHTS

Resolution of the National Public Lands Advisory Council

WHEREAS: The question of Federal Reserved Water Rights in wilderness has not been resolved; and

WHEREAS: Many Bureau of Land Management Wilderness Study Areas (WSA's) in the State of Colorado and other western States are astride or otherwise encompass downstream segments of rivers and streams; and

WHEREAS: If in the future, it is determined that the designation of wilderness does in fact contain implied Federal Reserved Water Rights, the satisfaction of such water rights requires the maintenance of historic stream flow regimens and would also include the contemporary flows which have occurred historically; and

WHEREAS: This requirement can obviously wreak havoc with all upstream exisiting water rights; and

WHEREAS: For example, it has been reported to the Council that the boundaries of the Black Ridge Canyons West WSA encompass very small areas of the opposite bank of the Colorado River, which boundary, if adopted, could preclude future development and impede transfers of existing water rights on the river.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council requests the Director of the Bureau of Land Management and the Secretary of the Interior to review the boundaries of the WSAs in Colorado and other western States to assess possible conflict with upstream water rights, to change boundaries or release WSAs from "recommended" status if such a conflict exists, and/or where necessary to strongly advise the President and Congress to incorporate specific Federal Water Rights release language into any Bureau of Land Management wilderness legislation.

APPENDIX C

COLORADO WATER RIGHTS NEGOTIATING TEAM

Name and Address	Representing
Rolly Fischer, Secretary Engineer Colorado River Water Conservation District P.O. Box 1120 Glenwood Springs, CO 81602 (303) 945-8522	Colorado River Water Conservation District
Greg Hobbs, Attorney Davis, Graham and Stubbs P.O. Box 185 Denver, CO 80201 (303) 892-7342	Colorado Water Congress Northern Colorado Water Conservancy District Colorado Association of Commerce and Industry
Sam Maynes, Attorney P.O. Box 2717 Durango, CO 81301 (303) 247-1755	Southwestern Colorado Water Conservation District Rio Grande Water Conservation District
Bill McDonald, Executive Director Colorado Water Conservation Board 1313 Sherman Street Denver, CO 80203 (303) 866-3441	Colorado Water Conservation Board (State of Colorado)
Bill Miller, Manager Denver Water Department 1600 West 12th Avenue Denver, CO 80254 (303) 628-6000	Denver Water Board
Harold E. Miskel, Resource Planning Manager Colorado Springs Department of Utilities P.O. Box 1103 Colorado Springs, CO 80947 (719) 636-5305	City of Colorado Springs City of Aurora Pueblo Board of Water Works Southeastern Colorado Water Conservancy District Denver Metropolitan Water Providers Metropolitan Denver Water Authority
Keith Propst, Rancher/Farmer P.O. Box 218 Merino, CO 80741 (303) 522-6105	Colorado Farm Bureau
Carl Trick, Rancher P.O Box 15 Cowdrey, CO 80434 (303 723-4238	Colorado Cattlemen's Association Colorado Counties, Inc.

APPENDIX D

WATER RIGHTS NEGOTIATING TEAM
c/o Colorado Water Congress
1390 Logan Street
Suite 312
Denver, Colororado 80203

May 5, 1989

The Hon. William L. Armstrong
United States Senate
528 Hart Senate Office Building
Bldg.
Washington, D.C. 20510

The Hon. Tim Wirth
United States Senate
380 Russell Senate Office
Washington, D.C. 20510

Re: Wilderness/Water Rights

Dear Senators Armstrong and Wirth:

Two years ago you asked sixteen negotiators to meet in order to resolve water issues involved in the establishment of approximately 750,000 acres of new Colorado wilderness areas. The negotiators met dozens of times attempting to reach agreement. The process has been slow and difficult; however, we have been able to narrow our differences and to understand each other's point of view.

Both of you have urged all the negotiators to get on with the job of producing an acceptable wilderness water rights compromise which is in Colorado's best interests. On January 9, 1989 Senator Armstrong sent a letter to each member of the negotiating group asking that passage of a wilderness bill with appropriate water language be made a high priority. This letter, which was not made public, invited each of the negotiators to respond. On March 9, 1989 the eight members of the Water Rights Negotiating Team accepted the invitation to proceed with negotiating the terms of a wilderness bill. To our knowledge the eight members of the Conservationists' Negotiating Team did not respond to Senator Armstrong's request to proceed to a conclusion.

Then, on March 17, 1989 Senator Wirth sent a publicized letter to Senator Armstrong and each of the sixteen negotiators outlining a proposal for a wilderness additions bill. Shortly thereafter, on March 21, 1989, Senator Armstrong asked us to respond to Senator Wirth's proposal.

We now propose the principles of a 1989 Colorado Wilderness bill which we are prepared to support. This is a carefully crafted package and cannot be separated and continue to have our support. As a whole the principles we outline properly weigh the interests of all Coloradans.

PRINCIPLES OF WILDERNESS WATER RIGHTS SETTLEMENT

1. Designation of approximately 750,000 acres of additional high altitude, headwaters wilderness lands with federal water rights for headwaters stream segments being adjudicated in Colorado water courts following a Congressional determination that no Colorado water interest is injured, quantification of reserved rights to be in accordance with principles enunciated by United States Supreme Court and with a reservation date as of the enactment of the new wilderness designation;

2. Right of access for construction, completion, operation, repair, maintenance or replacement of water facilities needed to exercise existing water rights in wilderness areas;

3. No implied or express federal water rights for non-headwater wilderness stream segments, such as the North Platte River within Colorado and future non-headwaters wilderness stream segments;

4. Protection for water rights, water facilities and projects in wilderness areas designated in Colorado under prior Acts and under the new legislation;

5. Wilderness water rights shall not be created if they would interfere with the State's present or future water needs or the development and use of water to which Colorado is entitled under interstate compacts or decrees;

6. Presidential authorization of water facilities to be built in the future would be allowed where federal reserved water rights have been created, if the President determines that additional water withdrawals from designated wilderness areas are needed in the public interest;

7. Release of remaining wilderness study areas from study status except for the Piedra.

We believe that the above principles are vital to a balanced wilderness bill for the reasons noted below. The statutory provisions we propose are vital to the protection of property rights and the preservation and growth of the State's economic base. A good, clean and secure water supply for agricultural, municipal, commercial and recreational use is the key to Colorado's future. From recent news reports, we have learned that the Rocky Mountain Region is now the poorest region in the entire country. The State's future would be crippled in the absence of strong protective language for future water storage and use. Moreover, there are existing and authorized high mountain diversions of water from wilderness areas, such as the Fryingpan-Arkansas Project and the Homestake Project which must be respected, in accordance with prior acts of Congress.

The $500 million Fryingpan-Arkansas Project, for example, supplies water to a large portion of Southeast Colorado, to rafters, fishermen and boaters on the Upper Arkansas, and at Pueblo Reservoir, and to the agricultural users in arid farmlands east of Pueblo. The water collected by the Fryingpan-Arkansas Project comes from lands in the national forests and from the Hunter/Fryingpan wilderness. Low impact construction techniques in the wilderness makes the Fryingpan-Arkansas structures all but invisible unless a hiker happens upon the immediate diversion point. The Fryingpan-Arkansas Project must not be crippled by lack of access or impairment of project yield. The benefits of this water supply to Colorado citizens must continue.

While we support the designation of additional high altitude wilderness with federal water rights, we are adamantly opposed to the creation of any federal water rights for non-headwaters, or "downstream" wilderness stream segments. Non-headwaters federal wilderness water rights would "call" large amounts of water past communities, ski areas, and farms upstream of the wilderness area, absolutely shutting down Colorado's ability to diversify its economy and serve its future needs. The adverse effect on Colorado's water compact and equitable apportionment entitlements would be devastating.

The only non-headwaters wilderness area in Colorado at the present time is the one mile of the North Platte Wilderness Area which lies within Colorado. Any new Colorado wilderness bill for Colorado must completely disclaim a federal water right downstream. Otherwise, such water right might be used to call out or block future new appropriations or changes of water rights upstream which are within Colorado's share of equitably apportioned waters of the North Platte River.

The Fryingpan-Arkansas Project is just one example of the critical importance of water diversion and storage to the economy of the State. Other examples are the Colorado-Big Thompson Project and the Denver water system, both of which make life possible on the Front Range of Colorado. So, too, Green Mountain Reservoir and Ruedi Reservoir on Colorado's western slope provide enormous recreational and water supply benefits to that area of the state. The best trophy trout fisheries in the State are below reservoirs, and water storage is and will always continue to be critical to the State's economy because snowmelt occurs in less than one-quarter of the year, and it must be captured and held in reservoirs. Otherwise, there is little water available during the other three quarters of a year to serve the needs of all the citizens of the State. A wilderness reserved right cannot be allowed to call water past such reservoirs. Because of the importance of water facilities to the State's present and future, any Colorado wilderness bill must contain statutory language which guarantees access to operate, maintain, repair and replace water facilities which are on wilderness lands.

We ask that you, our two Colorado Senators, introduce a 1989 Colorado Wilderness bill with the statutory language we have attached to this proposal. Details are as follows:

A. We will support the designation of new high altitude national forest wilderness areas, together with express reserved water rights for these areas, provided that such wilderness designations are derived from a bona fide Congressional determination that Colorado's present and future needs for water, for its economic health and sustenance, are not thereby impaired.

We have always understood that the boundaries of high altitude wilderness areas, and the total acreage, are to be determined by the Congressional delegation. Our task has been to assure that the water rights and concerns of the state as a whole are protected.

B. The quantification and adjudication of any wilderness reserved rights should be determined in the courts of the State of Colorado under the precise standards for federal reserved water rights which the United States Supreme Court has articulated in its decisions.

We agree that federal land managers, as other appropriators, can file for rights to unappropriated water; that the rights would have a reservation date of the date the wilderness legislation is enacted; and that the rights would be adjudicated in state courts; and that these rights would be subject to the Presidential authorization provision of the Wilderness Act.

C. There must be a disclaimer on behalf of the federal government of any wilderness water right in downstream areas, such as the North Platte Wilderness area which is located for one mile above the Wyoming/Colorado state line. This non-headwaters wilderness area, if coupled with a reserved water right, illustrates the particular hazard of recognizing a wilderness water right. It could utterly preclude any further development or use of water apportioned to Colorado as the result of painful and expensive litigation with the states of Nebraska and Wyoming. The only way to accomplish use and development of all the water to which Colorado is entitled under interstate compacts and equitable apportionment decrees of the Supreme Court for the North Platte is to disclaim federal wilderness water rights there, as we propose.

D. The wilderness areas which were created in the past and which are to be created by new Colorado wilderness legislation all rest on the representation that there shall be no disruption of existing water facilities. This intention has been often repeated by Congress and by others concerned with the creation of wilderness areas. A failure to uphold the intent of Congress could wreak havoc with ability of Colorado citizens to have a safe, clean and dependable water supply.

We believe that it is critical for Congress in statutory language to again express its clear intent that existing projects shall not be impaired by the designation of wilderness areas. Existing and Congressionally authorized and permitted projects must be protected. Two projects serving hundreds of thousands of Coloradans with water are the existing Fryingpan-Arkansas Project and the federally permitted Homestake Project. The Homestake Project received a specific Congressional exemption in the 1980 Wilderness Act, and the intent of that exemption must be honored. All other existing or authorized water facilities in wilderness areas also must be protected. The attached statutory language provides the necessary protection for these projects, and our support for a wilderness bill is contingent on the adoption of this provision, as well as the access provision and the disclaimer of non-headwater federal wilderness water rights which we include in the statutory language.

E. Statutory access provisions for the operation, repair and replacement of existing water facilities, and the use of the underlying water rights without adverse effects by wilderness designation, are paramount. A rule allowing only "minor changes and repairs" is completely inadequate. Our proposal sets out the needed provisions for preservation of access.

F. The Piedra Wilderness Study area may remain in study status. Forest Service study areas not established as wilderness by the 1989 Colorado Wilderness Act, with the exception of the Piedra, should be released back to their normal land management status.

G. Congress must, by legislative action, establish the principle that in all future wilderness creations for Colorado the only federal water rights established are those which are expressly stated in the designation legislation. Implied wilderness reserved water rights only lead to confusion, uncertainty, and expensive litigation.

H. The existing lawsuit by the Sierra Club to establish implied reserved water rights in the twenty-four existing wilderness areas in Colorado is being contested vigorously in the Tenth Circuit Court of Appeals. Since the Sierra Club has not dismissed its complaint, the litigation will have to proceed, and the new Colorado wilderness bill should not convey any message or intent that such implied reserved water rights exist in the already designated Colorado wilderness areas.

We believe that the merits of our proposals are these:

a) high altitude wilderness additions can be created with an express reserved water right;

b) there will not be a disruption or divesting of Colorado's opportunity to secure a sound economic future for all of her citizens;

c) the many promises of security to existing water users and their projects will be honored;

d) non-headwater wilderness areas will not have a federal water right which interferes with full development of Colorado's equitable apportionment and water compact entitlements.

We await your further instructions. Best regards.

Sincerely,

Rolly Fischer, Greg Hobbs,
Sam Maynes, Bill McDonald,
Bill Miller, Harold E. Miskel,
Keith Propst, Carl Trick

The Water Rights Negotiating Team

GJH/jo
Enclosure
cc: Conservationists' Negotiating Team

COLORADO WILDERNESS ACT

This Act may be cited as
"The Colorado Wilderness Act of 1989."

1. Certain lands in the State of Colorado which comprise approximately ______ acres and are depicted on a map entitled "________________________________" are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. The Secretary of Agriculture shall recognize existing rights and shall administer each wilderness area designated under this Act.

2. There is hereby expressly reserved from unappropriated water in or on the headwater wilderness areas designated in Colorado under this Act only that amount of water necessary to prevent the entire defeat of the primary purpose of such areas. The rights to water reserved by this Act shall be adjudicated in the appropriate Colorado state courts with a reservation date as of the enactment of this Act. The rights to water reserved by this Act shall be subject to such future prospecting and development as authorized by the President in the public interest.

3. The express reservation of water for areas designated wilderness by this Act is subject to the State of Colorado's right to use those quantities of water apportioned pursuant to equitable decrees or interstate compacts.

4. Nothing in this Act shall be construed in any way to suggest that Congress reserved water for previously designated wilderness areas within Colorado. In addition, nothing in this Act shall be construed as a precedent for the reservation of wilderness water rights.

5. Due to the consequences associated with the creation or recognition of a federal wilderness water right in non-headwaters wilderness stream segments, no implied or express water right for wilderness purposes shall attach to the waters of the North Platte River within Colorado.

6. Reasonable access and means of access are hereby authorized for construction, completion, operation, repair, maintenance, or replacement of water facilities needed to exercise water rights in Colorado wilderness areas or in areas being designated as wilderness by this Act, or for facilities which have been recognized or authorized by the President or by Congress. In the event that an occurrence impairs or prevents the reasonable repair or replacement of such a water facility in its original or proximate location, the facility may be relocated to a place within the wilderness area or other federal lands in a way which allows

the replacement facility to operate in a comparable manner and cost as the original. The Secretary shall promulgate reasonable regulations to carry out this section.

7. All statutory provisions for the protection of water rights water facilities, or projects in previously designated wilderness areas within Colorado are reaffirmed, including but not limited to those contained in Public Law No. 95-237, § 2(e), 92 Stat. 41, 42; Public Law No. 87-590, 76 Stat. 389, 43 U.S.C. §§ 616-616f; Public Law No. 93-493, § 1101-1102, 88 Stat. 1497-1498; Public Law No. 96-586, § 901, 92 Stat. 2493-2494; and Public Law No. 96-560, § 102(a)(5), 94 Stat. 3265, 3266, and no claim for a federal water right for wilderness shall be asserted or made which would interfere with the development, operation, or maintenance of such water rights, or the facilities associated therewith or in any way impair the yield of such rights, facilities, or projects.

8. The Secretary shall, no later than two years after the date of enactment of this Act, determine whether, and when, to file a claim for the adjudication of the water rights reserved by this section. All such claims shall be made in appropriate proceedings in the courts of the State of Colorado pursuant to the provisions of 43 U.S.C. § 666.

9. The Piedra Wilderness Study Area shall remain in study status pending further consideration by Congress as to its designation or release. All other national forest wilderness study areas in Colorado which are not designated by this Act are released from further consideration as wilderness and are returned to their normal land management status to be administered as provided in applicable law.

10. No right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the City and County of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Areas presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

11. Congress does not intend that wilderness areas designated under this Act lead to the creation of protective perimeters or buffer zones around such wilderness areas. The fact that non-wilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

12. Congress determines that wilderness areas in Colorado hereafter designated shall not have a wilderness reserved water right unless expressly created by Congress. Except as expressly stated herein, this Act creates no other water right for wilderness areas designated in this Act.

13. As used herein, the term "non-headwater wilderness stream segment" shall mean a stream segment where a portion of the stream above the wilderness stream segment arises upon or flows through non-federal land or federal land which has not been designated as wilderness.

APPENDIX E

PRINCIPLES OF WILDERNESS WATER RIGHTS SETTLEMENT

1. Designation of additional high altitude, headwaters wilderness lands with federal water rights for headwaters stream segments being adjudicated in Colorado water courts following a Congressional determination that no Colorado water interest is injured, quantification of reserved rights to be in accordance with principles enunciated by United States Supreme Court and with a reservation date as of the enactment of the new wilderness designation;

2. Right of access for construction, completion, operation, repair, maintenance or replacement of water facilities needed to exercise existing water rights in wilderness areas;

3. No implied or expressed federal water rights for non-headwater wilderness stream segments, such as the North Platte River within Colorado and future non-headwaters wilderness stream segments;

4. Protection for water rights, water facilities and projects in wilderness areas designated in Colorado under prior Acts and under the new legislation;

5. Wilderness water rights shall not be created if they would interfere with the State's present or future water needs or the development and use of water to which Colorado is entitled under interstate compacts or decrees;

6. Presidential authorization of water facilities to be built in the future would be allowed where federal reserved water rights have been created, if the President determines that additional water withdrawals from designated wilderness areas are needed in the public interest;

7. Release of remaining Forest Service wilderness study areas from study status, except for the Piedra.

BEFORE THE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS, AND FORESTS

REGARDING S. 1343 CONCERNING
DESIGNATION OF ADDITIONAL WILDERNESS AREAS
WITHIN THE STATE OF COLORADO

TESTIMONY OF GREGORY J. HOBBS, JR.,
MEMBER WATER RIGHTS NEGOTIATING TEAM
REPRESENTING COLORADO WATER CONGRESS,
COLORADO ASSOCIATION OF COMMERCE AND INDUSTRY AND
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
OCTOBER 28, 1989

Mr. Chairman and Members of the Subcommittee:

INTRODUCTION

I very much appreciate the opportunity to testify about S. 1343. As a citizen of Colorado who takes a wilderness backpack trip every summer with family and friends, I respect and support Senator Wirth's dedication to wilderness designation. It is a great joy, for example, to fish the Pine in the Weminuche Wilderness Area and ascend the Divide to the Rio Grande Pyramid and the Window, encountering at most two or three other persons in the space of a five day trip. One feels awed, refreshed, humbled, and renewed.

But we Coloradans are also characterized by other public interests - we are city dwellers and farmers and businessmen and women. Accordingly, Senators Wirth and Armstrong appointed a negotiating team of 16 Colorado citizens to reflect a wide variety of Colorado interests in an effort to shape water language for a wilderness bill. Unfortunately, S. 1343 gives effect to only one viewpoint and employs some of the most one-sided provisions which could have been written under the circumstances. I offer the following analysis as a call for compromise and not by way of criticism for those who have worked long and hard for additional wilderness areas. I believe, however, that some wilderness advocates in their enthusiasm for a bill have attempted to steamroll those who represent other legitimate viewpoints. These zealots have forgotten that the Wilderness System came into being in 1964 because of fundamental compromises on water matters, which I will discuss. Significant recent legislation establishing a Wild and Scenic River on the Poudre in northern Colorado was achieved only because a variety of water interests were taken into account and served. We ought to be able to do the same here.

The present bill pays no attention to those who have worked since 1984, when the Sierra Club brought its wilderness/water rights lawsuit, to achieve a result that is fair to all Colorado interests. Instead, the bill if adopted would deliver a total victory to the Sierra Club and moots an appeal now pending in the Tenth U.S. Circuit Court of Appeals brought by the State of Colorado, the Colorado Water Congress, and municipal and agricultural organizations within the State of Colorado.

S.1343, if adopted in its present form, is not in the best interests of Colorado citizens as a whole.

The Wilderness Bill which you are considering today does not strike a fair resolution in the choice of its water rights language and, therefore, is not in the best interests of the State of Colorado, its citizens, or the citizens of the United States. Nor is the bill within the spirit of the basic compromises which led to the adoption of the 1964 Wilderness Act that established the National Wilderness Preservation system and led to the designation of the existing 24 National Forest Wilderness areas in Colorado, comprising nearly 2 million acres. To the contrary, S. 1343 as presently worded 1) negates over 100 years of Colorado water law, 2) establishes principles which would frustrate Colorado in its ability to fully develop its interstate water compact and equitable apportionment decrees, 3) moots an existing 10th Circuit appeal brought by the State of Colorado and many of its cities, conservation and conservancy districts, and agricultural interests, and 4) delivers a total victory to one side of the Colorado Senator-appointed 16 person negotiating group. After nearly two and a half years of negotiation between environmental and water user interests, the differences were narrowed but S.1343 does not reflect any of the narrowing of differences with regard to substantive matters, particularly because of the Findings made in the bill regarding the intent of Congress in passing the 1964 Act.

S.1343 Overturns Fundamental Compromises Made in the 1964 Wilderness Act.

Moreover, S. 1343 preempts the legitimately contested court case involving wilderness/water rights. At issue in the 10th Circuit in a completely briefed case - now awaiting scheduling for oral argument (Sierra Club v. Yeutter, Nos. 88-2871, 88-2777, 88-2918, 88-2920, and 88-2922) - is the intent of Congress in adopting the 1964 Wilderness Act. The State of Colorado, the Colorado Water Congress, and municipal and agricultural interests within the State, assert on the basis of an exhaustive search of language and legislative history of the 1964 Act that Congress did not intend to create a reserved water right in wilderness areas and, instead, specifically meant to preserve state law in the creation and administration of water rights. This view of the 1964 Act is based on the fact that it took eight years of prolonged negotiation, centering basically on the water issues, for a compromise to be reached. The work of

Colorado Senators and Representatives was central to that resolution which consisted of two fundamental principles: the 1964 Act 1) created very tough and restrictive administration of wilderness areas for preservation of wilderness characteristics, and 2) disclaimed any intention to create a separate federal water right arising from wilderness designation.

We are well aware that Judge Kane determined the issues in favor of the Sierra Club in the District Court but, now, at the very time that the State of Colorado and municipal and agricultural water interests have asked for higher court review of Judge Kane's decision they are faced with a piece of proposed legislation which contains gratuitous language making findings regarding the intent of the 1964 Wilderness Act, usurping the 10th Circuit appeal. I attach a letter to Congressman Ben Campbell, as well as an analysis for the Colorado Water Congress, both of which point out that S. 1343, if adopted in its present form, would establish federal reserved water rights - not only in the new wilderness additions - but also in the existing 24 Colorado Wilderness areas and in the downstream North Platte wilderness area which extends for one mile into Colorado.

S.1343 does not fairly address the diversity of interests in Colorado

Legislation such as S.1343 is not in the best interests of Colorado or its citizens, or the citizens of the United States, because it does not address the genuine diversity of interests within the State. There are thousands of existing water rights and many water facilities in already designated wilderness areas and in the proposed additions. Establishment of a federal reserved water right will block any change of water right, exchange, augmentation plan, or substitute supply plan instituted after designation of each of the wilderness areas. Moreover, the language of the proposed wilderness bill requires the federal government to adjudicate water rights for all the water which flows into, arises upon, or is contained under a wilderness area. This language - never before included in any Colorado wilderness bill or in the 1964 Act itself - states that water rights are necessary to preserve wilderness in its natural condition, whether or not the extraction of water may cause any deleterious effect to any life form or adversely affect the aesthetic experience of a wilderness area from a viewer's perspective. Preservation for preservation's sake has not previously been applied by Congress to water rights in wilderness areas, but S.1343 would effectuate a fundamental departure and derogation of State water law in this regard.

S.1343 would frustrate the exercise of the Presidential access authorization in the 1964 Wilderness Act.

The language of S.1343 seems calculated to frustrate Presidential use of the water prospecting and water facilities authorization language contained in the 1964 Wilderness Act. At the time it was included in the 1964 Act, this provision was plainly meant to operate as a safety valve in case of a drought emergency or other pressing need declared to be in the public interest by the President. The legislative history of the 1964 Act, and in particular the Presidential water facilities access provision, is clear that Congress did not intend to lock up the wilderness water resources forever by wilderness designation. To the contrary, Congress authorized the President to allow additional water facilities whose purpose would be to make additional water depletions shortly after, or many years after, wilderness designation. In addition, Congress has specifically recognized the right of water rights holders to build certain unbuilt water projects in wilderness areas, such as the Homestake Project in the Holy Cross Wilderness Area. All of this shows that Congress has never intended to preserve every drop of water in a wilderness area and disallow future water withdrawals. Yet S.1343 does not contain a savings clause to make it clear that the Presidential access authorization provision continues to apply when Congress expressly creates water rights in wilderness areas. Such a savings clause is extremely important since S.1343, for the first time in Colorado and United States history, would expressly create a wilderness reserved water right. Such an express action by Congress is a modification of the 1964 Act, so it is necessary to restate the protections for future water needs and State water systems which were contained in the 1964 Act and its legislative history. Otherwise, they will be read out of the Act by interpretation of subsequent Congressional action.

S.1343 does not contain necessary protections for operation and maintenance of existing water facilities in wilderness areas.

Nor does the bill contain any provisions guaranteeing reasonable access for the completion, operation, repair, maintenance, and reconstruction of water facilities which existed at the time of wilderness designation, either as to the existing Colorado wilderness areas or the proposed additions. Since there are so many water rights and water facilities located in existing wilderness areas and on the proposed additions, it is not satisfactory that S.1343 remain silent on the issue of access - particularly when the bill creates express reserved water rights for the existing and newly proposed wilderness areas. Without the inclusion of such access language, it will surely be argued that any action favoring the express wilderness reserved water right, such as the enforced deterioration of existing systems leading to abandonment of water rights, should be preferred by the wilderness land manager, rather than allowing reasonable access needed for water facilities to remain in a high quality operating condition normally undertaken by farmers, municipalities, and businessmen and women who depend upon a firm and secure water source and who therefore attend most carefully to the repair and maintenance of water diversion, storage, and delivery systems.

S.1343 contains no deference to Colorado water law other than what is already contained in federal law.

S.1343 gives no substantial deference to Colorado water law, other than what is already provided by federal law. S.1343 does state that the federal water right is to be adjudicated in Colorado water courts and shall have a priority date junior to water rights decreed prior to designation of a wilderness area. However, these obvious statements are already required by the McCarran Amendment, so it is no compromise at all to repeat them in the bill. This reiteration merely restates existing federal law and is no compromise with regard to the underlying State water rights issues.

S.1343 sets many new precedents extremely adverse to Colorado water law.

All the new precedents created by the bill - and they are significant precedents which depart substantially from preexisting law - favor federal control of Colorado's water resource. For the first time in Colorado or U.S. history regarding wilderness designation, S.1343, if adopted in its present form: 1) creates an express reserved water right, 2) uses a quantification standard in considerable excess of the standard enunciated by the United States Supreme Court in the implied reserved water rights cases, 3) mandates that wilderness land managers must initiate litigation to claim the federal water rights, and 4) sets the priority date of the water right by statute instead of respecting the McCarran Amendment which functions to postpone the priority date of the reserved water rights to State water rights applications filed in earlier years.

S.1343 gives no credence to Colorado's excellent instream flow program.

The proposed wilderness bill does not honor or give any credence to the fact that Colorado has an excellent instream flow program in its water rights law (nearly 8,000 miles of stream are protected under the State's program) and that there are hundreds of miles of instream flow water rights held by the State of

Colorado in existing and proposed wilderness areas. Mr. David Getches, speaking for the State of Colorado in testimony before the Congress several years ago, emphasized that Colorado's instream flow program is key to a successful resolution of the wilderness/water rights controversy. Federal reserved water rights are created by S.1343 in absence of any showing whatsoever that the State instream flow water rights, combined with the tough access restrictions of the Wilderness Act, are insufficient to protect the existing or proposed wilderness areas.

S.1343 shuts out the municipal, agricultural and business interests of Colorado.

In conclusion, the proposed bill shuts out the municipal, agricultural, and business interests of the State of Colorado and its citizens and, instead, adopts the singular agenda of total victory to one litigating party in a vigorously contested lawsuit, the Sierra Club. This is not good public policy for a Colorado delegation which is elected to represent all Colorado interests to the best of its ability.

Surely, a "Colorado solution" to the wilderness/water rights question would attempt to strike a fair resolution, such as the compromise struck by the 1964 Act whereby land administration and authorization for construction of new water facilities was vested in the federal government, but the creation and administration of water rights was vested in the States. S.1343 would strike down this fundamental effort in the name of genuine federalism. Since S.1343 does not strike a fair resolution in its water language, the alternative solution most protective of a broad range of Colorado interests is to pass a different bill, or a significantly amended bill, or forego any additional wilderness designation, until the outcome of the present litigation in the 10th Circuit regarding the intent of Congress in the 1964 Wilderness Act is finally known and Congress can then act in light of final judicial interpretation.

CONCLUSION

S.1343 is a wilderness bill which resolves all the precedents in favor of the Sierra Club and creates a federal reserved water right in existing and proposed headwaters wilderness areas, as well as in the downstream Colorado portion of the North Platte Wilderness Area. S.1343 sets the stage for federal usurpation of Colorado water system and the State's ability to determine its own water development or management future. This is because S.1343 does not afford recognition of the many and diverse water user interests on the North Platte - an existing problem. To the contrary, S.1343 creates a federal water right in the downstream North Platte Wilderness and serves as a precedent for federal water rights in downstream BLM areas in the future.

Surely the Colorado delegation can produce a better bill than S.1343. A possible "Colorado solution" is to create federal reserved water rights in headwaters areas, using the U.S. Supreme Court enunciated quantification criteria, and allow the State instream flow program to function as the sole water rights mechanism for non-headwater wilderness areas. An excellent start at principles addressing the existing downstream issue would be to specifically disclaim any federal reserved water right for the existing downstream North Platte Wilderness Area. Reiteration of the Presidential water facilities access authorization for future water withdrawals and explicit language guaranteeing reasonable access for completion, operation, maintenance, and replacement of water facilities in wilderness areas are also needed.

Thank you for the privilege of being able to address you candidly with regard to the great legal and public policy questions involved in considering S.1343. Perhaps a true "Colorado solution" can emerge from all the spilled rhetoric. This will happen when a bill pays adequate attention to all Colorado interests in water, not just the preservationist ethic. The water users of the State of Colorado did not cause the wilderness/water rights controversy. Rather it was commenced 20 years after passage of the 1964 Wilderness Act when the Sierra Club filed its lawsuit in the Federal District Court for Colorado. Fairness for all Colorado interests demands rejection of the Sierra Club's singular agenda.

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GREGORY J. HOBBS, JR.
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April 18, 1989

The Hon. Tim Wirth
United States Senate
380 Russell Senate Office Building
Washington D.C. 20510

Re: Wilderness/Water Rights

Dear Senator Wirth:

It was very good seeing you last week. I enjoyed visiting with you concerning western water rights and the wilderness controversy. Enclosed is the opening brief we filed with the Tenth United States Court of Appeals in the Sierra Club case on Friday, April 14.

Hopefully, our brief -- particularly its discussion of the statutory language of the 1964 Wilderness Act and its legislative history -- will explain the reaction of farmers, cities, businesses, and water organizations to the notion that Congress intended by implication in the Wilderness Act to create an extensive set of "wilderness" federal reserved water rights. The Sierra Club filed its complaint in this case in 1984, twenty years after enactment of the National Wilderness Preservation System. Those in the water community who had watched wilderness being designated over the years, believing that state water allocation systems had been respected through a basic compromise in the 1964 Act, were incredulous about the Sierra Club's claims, particularly because the United States itself had claimed no such rights in McCarran Amendment water right adjudication proceedings.

Then Judge Kane, District Court Judge for Colorado, agreed with the Sierra Club in an order issued November 25, 1985. It has taken until this year to get the case up on appeal but, hopefully, by the end of the year we should know from the federal appellate court whether Judge Kane's decision will survive close legal scrutiny. In this regard, we have discovered and have briefed extensive legislative history which had not come to light when Judge Kane issued his original ruling in 1985. This legislative history amply demonstrates that the essential compromise struck by Congress on the water issue in the 1964 Wilderness Act was that 1) state water allocation systems would continue to govern the creation and administration of water rights and changes of water rights in wilderness areas but 2) authorization at the Presidential level was necessary to survey future water claims and construct new water facilities in the wilderness areas. This compromise came about because members of the western states, particularly California and Colorado, were concerned that, in a drought emergency or other pressing circumstances, entry into wilderness areas to take additional water might be necessary in the future to serve the public interest. An extensive set of wilderness water rights would frustrate the water allocation systems of the States and the Presidential Authorization provision, because under the Sierra Club's theory there would be no remaining water available for allocation under state law in wilderness areas. The Sierra Club claims that, as of the date of each wilderness designation, a federal reserved water right attaches for all the natural water flow which enters into, flows through, arises upon, or exists under wilderness lands.

Such a water rights theory would devastate state water allocation systems. You are well aware that 80% of Colorado's population lives along the Front Range, yet 80% of the available water naturally occurs west of the Divide in the Colorado River drainage. Transmountain diversion has been and will continue to be a vital part of the State's future, with proper mitigation to West Slope interests. It may be necessary in the future, during a drought emergency, for example, to divert or store additional water from high mountain wilderness areas for agricultural and municipal water supply.

The problem involved with extensive federal reserved water rights for wilderness areas becomes even more acute when a wilderness area lies downstream of private land or non-wilderness public land. At the time the Wilderness Act was enacted in 1964 who could have foretold, for example, the level of ski area development which has occurred high in the national forest watersheds in Colorado. Ski areas divert from the national forest streams for snow-making to secure and stabilize the recreational economy. Residential, condominium, and business growth -- all needing water -- have sprung up as a result. This activity has become a strong factor in Colorado's economy. But, if downstream wilderness areas had been designated in Colorado and they had been given the extensive set of federal reserved water rights which the Sierra Club seeks, this recreational activity would have been greatly hindered or made impossible because the downstream wilderness area would have been "calling" water into the wilderness area past upstream diversion points.

The potential impact of federal reserved water rights in downstream wilderness areas on the ability of western states to utilize their water compact and equitable apportionment water entitlements is alarming. It is not economically possible to pump water long distances from a state line back up to where it is needed for a state's future activity. The result is that a downstream wilderness with federal "wilderness" water rights would interfere directly with water apportionments which states have reached through extensive water compact negotiations leading to settlements, or which the United States Supreme Court has made in equitable apportionment cases between states which share a common stream systems, where a water compact has not been achieved.

These kinds of impacts, -- and the great political consternation which accompanies them -- can be avoided by following the essential water compromise reached in the 1964 Wilderness Act, which left the creation and administration of new water rights up to the states. The question from a water rights standpoint is not whether there should or should not be additional wilderness areas designated under the 1964 Act, but whether state water allocation systems and future water needs of states will be respected.

The clear preference of water right negotiators in the Colorado context is for the Congress to disclaim federal reserved water rights in making additional wilderness designations, leaving the water rights creation up to state law. This is how wilderness designation proceeded historically prior to the Sierra Club lawsuit.

The second preference would be to await the outcome of the Tenth Circuit appeal. If we are correct in our view of the 1964 Wilderness Act and designations thereunder -- that no federal reserved water rights are created under the language of the 1964 Act -- wilderness designations could proceed upstream or downstream without the water rights issue being raised.

However, if the Congress wishes to proceed in the immediate future with additional Colorado wilderness designations, and the Congress further determines that federal reserved water rights should exist for the wilderness additions being discussed by members of the Colorado delegation, then there are several essential items that should be part of any bill, in order to strike a balance between additional federal water rights and future water needs. These would include the following:

1) Recognition of existing water rights and water facilities in wilderness additions, and reasonable

access for operation, maintenance, repair, and replacement of facilities necessary to exercise such water rights;

2) Designation of the proposed additional 750,000 acres of headwaters wilderness in Colorado, with federal reserved water rights expressly created as of the enactment of the designation, using the reservation language of the U.S. v. New Mexico case (paralleled in the El Malpais wilderness designation, 101 Stat. 1542 (1987), with the water rights to be adjudicated in State Water Court under the McCarran Amendment);

3) Reaffirmation of the Presidential exemption, allowing the President to authorize access for the withdrawal of water from wilderness areas, if necessary, including out of the quantity of the reserved rights, if in the future the President should determine this to be in the public interest.

4) Disclaimer of any "wilderness" reserved water right for the approximately one mile stretch of the North Platte wilderness within Colorado at and above the State line;

5) Reaffirmation of the water savings language for certain water rights and water projects in existing Colorado wilderness areas for example, Fry-Ark and Homestake;

6) Retention of the proposed downstream Piedra wilderness area in study status.

The above would provide a possible framework for proceeding with wilderness additions in the near future. I want to emphasize that these are my observations as the lead attorney for the Colorado Water Congress on the wilderness/water rights issue since 1984. I have appeared before Congressional committees three times on these issues and in many other public and private forums. In setting forth the above I do not necessarily speak for the other seven members of the Water Rights Negotiating Team appointed by the two Colorado Senators to negotiate with the eight environmental representatives. I set forth the above as a possible way to accommodate a number of interests, problems, and perceived problems.

Having set forth the above, my personal preference would be to await the outcome of the Tenth Circuit appeal because I believe the Court will say that the Court did not intend the reservation of "wilderness" reserved water rights. If this happens, wilderness could be designated in the future, as it has in the past, without language other than what is already in the Wilderness Act, and the entire question of water rights would be left up to the States.

Along with the brief we filed in the Tenth Circuit there was included an extensive Appendix which contains pertinent legislative history. I would be glad to provide you a copy of the Appendix if you wish.

Again, I very much appreciate meeting with you.

Best regards.

Sincerely,

Gregory J. Hobbs, Jr.
for
DAVIS, GRAHAM & STUBBS

GJH/jh
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GREGORY J. HOBBS, JR.
892-7342

August 16, 1989

Honorable Ben Nighthorse Campbell
835 East Second Avenue, Suite 128
Durango CO 81301

Re: Your Letter of July 19, 1989 Regarding Senator Wirth's Wilderness Proposal

Dear Congressman Campbell:

I very much appreciate receiving your letter of July 19, 1989 asking for comment on Senator Wirth's wilderness proposal. Please excuse the delay in responding to your request. I have been traveling this summer while on sabbatical from my law practice. This has afforded me some time to think about the wilderness negotiation process. Therefore, I welcome your letter and the opportunity to comment.

I make these comments as an individual who has been involved in seeking a solution to the wilderness/water rights controversy since 1984. These views are communicated to you personally for your consideration and not on behalf of any client or clients I represent in my law practice.

I do not believe that Senator Wirth's bill represents any real progress towards a Colorado wilderness additions bill which might adequately forge a balanced Colorado solution to the wilderness water rights controversy. I have reached this conclusion from reading the bill and reviewing the numerous alternative proposals which have been discussed since 1984. In fact, I conclude that Senator Wirth's bill serves to aggravate rather than heal the split between environmental and water user interests because of the water language proposed in the bill.

I. Wirth Proposal

-- The Wirth proposal finds in Sec. 201(a)(1), p. 6, that "where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by

> this Act and the Wilderness Act (78 Stat. 890), is meant to provide for and preserve."

Comment

Such a provision has never appeared in any previous Colorado Wilderness legislation. As you know, there is now pending before the 10th U.S. Circuit Court of Appeals a fully briefed case (Sierra Club v. Yeutter) as to whether or not the 1964 Wilderness Act and individual designations by Congress thereunder give rise to implied federal reserved water rights for wilderness. The appeal is awaiting scheduling by the Court for oral argument. The above provision, if enacted, would likely resolve the litigation wholly in favor of the Sierra Club and against the State of Colorado and the water interests who have joined the State in arguing that wilderness designations do not give rise to implied reserved water rights. Senator Wirth's proposal quoted above is not a finding which is restricted to the wilderness additions sought to be added by the proposal but is a generic finding of Congress that the Wilderness Act of 1964 intended to "preserve" the water in wilderness areas for its "natural values and recreational uses." There is no other way to read the proposed Wirth language as anything other than a retroactive finding by Congress that all the water arising within, under, or flowing through a wilderness area is reserved to the federal government. Such a finding by Congress would legislate away a genuine controversy regarding the original intent of Congress in adopting the 1964 Wilderness Act and deliver a clear victory to one side of the dispute.

> Wirth Proposal
>
> -- The Wirth proposal states in Sec. 201(a)(6), p.7, that "the express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System."

Comment

Again, this language specifically destroys the State of Colorado and water user appeal in the Tenth Circuit by expressly providing that federal water rights are created by implication when wilderness areas are included within the National Wilderness Preservation System.

Recommendation for Compromise

-- A Colorado solution cannot be achieved by legislating victory to one side. The present litigation involving the original intent of Congress in the 1964 Wilderness Act should be allowed to run its course, and water language in any wilderness additions bill should be tailored to that particular wilderness addition without generic language which addresses the 1964 Wilderness Act. The wilderness additions bill should disclaim any intent to affect the outcome of the pending litigation.

II. Wirth Proposal

-- The Wirth proposal states in Sec. 201(b), p.7, that "the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act."

Comment

Standing alone, but especially in combination with the two Wirth provisions quoted above, this provision, if enacted, would foreclose the issue of quantification of the federal reserved water right by mandating reservation of all the water on, under, or flowing into a wilderness area designated by the Act. A court would likely conclude that Congressional intent to have water "sufficient" to fulfill the purposes of the wilderness areas must be tied to preserving its "natural values." In this context, use of the word "sufficient" contains no limitation, whereas under decisions of the United States Supreme Court and Colorado Supreme Court reserved water rights, being in derogation of state water law, are limited to the "minimum amount necessary to prevent the entire defeat of the primary purpose of the federal reservation" (*U.S. v. New Mexico* and *U.S. v. City and County of Denver*). The Wirth proposal introduces a new federal reserved water right quantification standard which forecloses any possibility that future state water rights or changes of existing rights may be accomplished in a manner which accommodate both state and federal interests. In contrast, the federal reserved water rights quantification standard utilized by the courts allows competing uses to 1) either compromise with each other in the context of a water right quantification proceeding in State Court under the McCarran Amendment, or 2) obtain a judicial quantification which determines what is the minimum amount of water necessary to prevent the entire defeat of the primary purpose of the federal reservation. If this were the quantification standard for wilderness additions, it is conceivable that some new state water uses or changes of water rights in the future could be accommodated upon a showing that a particular wilderness area can still look like a wilderness and fully support natural habitats without having a reserved water right to every drop of water contained within or entering the wilderness area.

Recommendation for Compromise

-- The proposed wilderness areas to be added by the Wirth bill are mostly headwaters areas. These areas can be preserved very well by a combination of the severe access restrictions which accompany wilderness designation under the 1964 Wilderness Act and a federal reserved water right for the minimum amount of water necessary to prevent the entire defeat of the primary purposes of the wilderness addition.

III. Wirth Proposal

-- The Wirth proposal in Sec. 201(b)(5), p.8, provides that the United States shall "not assert reserved water rights to waters in the North Platte River" at the Colorado-Wyoming border "to the extent such rights would prevent the use or development" of Colorado's full apportionment under water compact or equitable apportionment decree.

Comment

At first blush, this language appears to protect Colorado and its water users in preserving the status quo in equitable apportionment and water compact entitlements between the states regarding North Platte River water. However, the provision goes on to state that the United States shall adjudicate a federal reserved water right for the downstream/state line North Platte wilderness. What is the purpose of adjudicating a water right which has this curious assertion language? The courts do not presume that Congress engages in useless Acts. If the Wirth language is adopted, downstream states and interest groups trying to block further use of Colorado's water entitlements will surely argue that reservation of the water right 1) imposes a strict anti-degradation water quality standard which even when not asserted in a water rights suit prevents further upstream development, and 2) requires that additional water must be allowed to flow in the wilderness to the state line and pumped back up because in this way Colorado will not lose the quantity to which it is entitled but the wilderness area within Colorado will have its full flow under an adjudicated federal water right. Practically, however, pumping of water is prohibitive and environmentally damaging because of the energy production and cost involved, and it will be impossible to reasonably recover the water flowing to the State line, although not legally impossible. I have heard such "you can pump" arguments advanced by environmental interests before when such hypotheticals are discussed. I believe it to be entirely adversary to the State of Colorado's best interests to have the Congress establish any federal water right for a downstream, especially, a State line wilderness area. Any such right will surely be argued to impose strict quantity and quality requirements which will inevitably foreclose the opportunity for Colorado to fully manage its water compact and equitable apportionment entitlements.

Recommendation for Compromise

Specifically disclaim any intent to create a reserved water right for waters in downstream/state line North Platte Wilderness Area. This does not mean that there is no mechanism for establishing an instream flow in the Colorado portion of the North Platte Wilderness Area. Equitable apportionment decrees already require deliveries of water through the area across the State line. This assures water through the North Platte Wilderness area in absence of a federally reserved water right. Moreover, the Colorado Water Conservation Board has authority to appropriate instream flows and holds such rights on over 8,000 miles of State streams. The Water Conservation Board process, as opposed to the Wirth federal legislative approach, allows the State, after hearing from each and every affected interest, to determine if and in what amount an instream flow water right should be established.

Conclusion

A Colorado solution to the wilderness/water rights controversy could be forged by establishing a minimum reserved federal water right in headwaters areas and providing that the State Water Conservation Board process should address instream flow water rights in non-headwaters areas. Such water language should be addressed to headwaters and non-headwaters areas mentioned in the bill and should not generically address either past or future wilderness designations. This framework would produce additional Colorado wilderness and would protect those additions, but would also achieve a fair resolution of the water conflict in a careful balance between federal rights and state rights.

I had hoped that the Wirth bill might start us down the path of compromise -- maybe one such as suggested above, maybe another. Unfortunately, the Wirth bill contains no compromise in the water issue and, instead, legislates defeat for the State of Colorado and its many water interests in the current hard fought appeal pending in the Tenth Circuit. If enacted the bill would also set precedents for future wilderness legislation which are contrary to Colorado's interests in preserving its ability to decide how to manage its interstate apportioned waters.

I hope these comments assist you. Your leadership, fairness, and balance are an important Colorado and national asset. As a citizen of Colorado and one who has backpacked extensively in the State's wilderness areas I support the designation of additional wilderness. Such additions are the virtue of the Wirth bill. However, the water language strikes no genuine balance and only serves to further polarize differences.

Best regards.

Sincerely,

Gregory J. Hobbs, Jr.
for
DAVIS, GRAHAM & STUBBS

GJH/jh

PREPARED FOR THE WATER RIGHTS
NEGOTIATING TEAM SEPTEMBER 25,
1989 BY GREG HOBBS

ANALYSIS OF SENATOR WIRTH'S WILDERNESS BILL WITH REGARD TO COLORADO WATER RIGHTS

IF ADOPTED BY CONGRESS, SENATOR WIRTH'S WILDERNESS BILL WOULD ENACT FAR REACHING CHANGES ADVERSELY AFFECTING COLORADO WATER RIGHTS, IN THE FOLLOWING WAYS:

1. FOR THE FIRST TIME IN HISTORY, THE WIRTH BILL WOULD HAVE CONGRESS EXPRESSLY OVERRIDE THE COLORADO WATER RIGHTS SYSTEM BY CREATING FEDERAL WATER RIGHTS FOR THE PURPOSE OF PRESERVING ALL FLOWS IN AFFECTED COLORADO STREAMS. UNDER PRESENT COLORADO LAW ONLY THE STATE WATER CONSERVATION BOARD MAY HOLD AN INSTREAM FLOW WATER RIGHT.

2. THE FEDERAL WATER RIGHT CREATED BY THE WIRTH BILL WOULD BE QUANTIFIED AS GIVING THE FEDERAL GOVERNMENT A PRIORITY AS OF THE TIME OF WILDERNESS DESIGNATION FOR ALL WATER WHICH ARISES UPON, UNDER, OR ENTERS INTO A WILDERNESS AREA. UNDER PRESENT COLORADO LAW, THE STATE WATER CONSERVATION BOARD CAN APPROPRIATE INSTREAM FLOWS ONLY FOR THE PURPOSE OF PRESERVING THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. THE STATE BOARD HAS HISTORICALLY EMPLOYED A SCIENTIFICALLY BASED QUANTIFICATION TECHNIQUE DESIGNED FOR COLD WATER FISHERIES. THE WIRTH BILL WOULD ESTABLISH A WATER RIGHT IN THE FEDERAL GOVERNMENT TO ALL WATER IN THE AFFECTED STREAMS, WHETHER OR NOT IT IS NECESSARY FOR FISH.

3. THE WIRTH BILL WOULD REQUIRE THE FEDERAL GOVERNMENT TO OPPOSE IN COURT, ADMINISTRATIVE PROCEEDINGS, ANY PERMIT APPROVAL PROCESSES, ANY FUTURE COLORADO WATER APPROPRIATIONS, EXCHANGES, AUGMENTATION PLANS, SUBSTITUTE OR REPLACEMENT ARRANGEMENTS, OR ANY CHANGE FROM CONDITIONS AFFECTING WILDERNESS AREAS DIFFERENT FROM THOSE WHICH EXISTED AT THE TIME OF WILDERNESS DESIGNATION.

4. THE WIRTH BILL WATER PROVISIONS APPLY NOT ONLY TO THE NEARLY 800,000 ACRES OF ADDITIONAL WILDERNESS LANDS WHICH WOULD BE DESIGNATED IN COLORADO BUT ALSO TO THE NEARLY 2 MILLION ACRES WHICH HAVE PREVIOUSLY BEEN DESIGNATED AS WILDERNESS IN COLORADO UNDER THE 1964 FEDERAL WILDERNESS ACT. THIS COULD AFFECT THOUSANDS OF EXISTING AGRICULTURAL AND MUNICIPAL WATER RIGHTS WHICH EXIST IN PRESENT WILDERNESS AREAS.

5. THE WIRTH BILL CONTAINS AN EXPRESS FINDING THAT WILDERNESS AREAS UNDER THE 1964 FEDERAL WILDERNESS ACT ARE ENTITLED TO A FEDERAL WATER RIGHT WHEREVER THEY ARE LOCATED, WHETHER AT THE TOP OF THE WATERSHED OR DOWNSTREAM. IN ADDITION THE WIRTH BILL CREATES A PRECEDENT FOR CREATING FEDERAL WILDERNESS WATER RIGHTS IN DOWNSTREAM AREAS BY ESTABLISHING A

FEDERAL WATER RIGHT ON THE NORTH PLATTE RIVER AT THE COLORADO/WYOMING STATE LINE.

6. THE WIRTH BILL WOULD DELIVER A COMPLETE WATER RIGHTS VICTORY TO THE SIERRA CLUB IN A LAWSUIT WHICH THE SIERRA CLUB FILED IN 1964 AND WHICH IS BEING FOUGHT BY THE UNITED STATES, THE COLORADO WATER CONSERVATION BOARD, THE COLORADO WATER CONGRESS, THE COLORADO FARM BUREAU, THE COLORADO CATTLEMEN'S ASSOCIATION, THE MOUNTAIN STATES LEGAL FOUNDATION AND OTHERS. THE LAWSUIT IS CURRENTLY AWAITING ORAL ARGUMENT AND DECISION BY THE UNITED STATES COURT OF APPEALS IN DENVER.

7. THE WIRTH BILL DOES NOT CONTAIN A PROVISION WHICH WOULD EXPRESSLY PROTECT THE RIGHT OF WATER RIGHTS OWNERS TO REPAIR, MAINTAIN OR REPLACE WATER FACILITIES WHICH EXIST IN WILDERNESS AREAS.

8. THE WIRTH BILL DOES NOT EXPRESSLY PRESERVE AND WOULD LIKELY ABROGATE THE AUTHORITY OF THE PRESIDENT OF THE UNITED STATES TO ALLOW WATER FROM WILDERNESS AREAS IF NECESSARY TO MEET A DROUGHT EMERGENCY OR SOME OTHER OCCASION WHICH THE PRESIDENT DETERMINES TO BE IN THE PUBLIC INTEREST.

9. THE WIRTH BILL DOES NOT CONTAIN A PROVISION WHICH WOULD EXPRESSLY REAFFIRM THE WATER RIGHTS PROTECTIVE LANGUAGE CONTAINED IN PRIOR COLORADO WILDERNESS LEGISLATION.

10. THE WIRTH BILL COULD SERIOUSLY JEOPARDIZE COLORADO'S ABILITY TO MANAGE ITS WATER RESOURCES FOR A WIDE VARIETY OF BENEFICIAL USES AND HINDER THE STATE IN FULLY DEVELOPING WATERS APPORTIONED TO THE STATE UNDER INTERSTATE WATER COMPACTS AND EQUITABLE APPORTIONMENT DECREES.

11. THE WIRTH BILL VIOLATES EVERY ONE OF THE SIX WATER PRINCIPLES FOR A WILDERNESS/WATER RIGHTS COMPROMISE ADOPTED BY THE EIGHT WATER RIGHTS TEAM NEGOTIATORS APPOINTED BY SENATORS ARMSTRONG AND WIRTH. THOSE SIX WATER PRINCIPLES ARE ATTACHED AND SERVE AS THE BASIS FOR WATER LANGUAGE IN A WILDERNESS BILL WHICH SERVES ALL CITIZENS OF COLORADO NOT JUST THOSE INTERESTED IN WILDERNESS PURPOSES. A CRITIQUE OF THE WIRTH BILL IN A LETTER TO CONGRESSMAN CAMPBELL IS ATTACHED. A LISTING OF THE WATER RIGHTS TEAM NEGOTIATORS AND WHO THEY REPRESENT IS ALSO ATTACHED.

PRINCIPLES OF WILDERNESS WATER RIGHTS SETTLEMENT

WATER RIGHTS NEGOTIATING TEAM, MAY 1989

1. Designation of approximately 750,000 acres of additional high altitude, headwaters wilderness lands with federal water rights for headwaters stream segments being adjudicated in Colorado water courts following a Congressional determination that no Colorado water interest is injured, quantification of reserved rights to be in accordance with principles enunciated by United States Supreme Court and with a reservation date as of the enactment of the new wilderness designation;

2. Right of access for construction, completion operation, repair, maintenance or replacement of water facilities needed to exercise existing water rights in wilderness areas;

3. No implied or express federal water rights for non-headwater wilderness stream segments, such as the North Platte River within Colorado and future non-headwaters wilderness stream segments;

4. Protection for water rights, water facilities and projects in wilderness areas designated in Colorado under prior Acts and under the new legislation;

5. Wilderness water rights shall not be created if they would interfere with the State's present or future water needs or the development and use of water to which Colorado is entitled under interstate compacts or decrees;

6. Presidential authorization of water facilities to be built in the future would be allowed where federal reserved water rights have been created, if the President determines that additional water withdrawals from designated wilderness areas are needed in the public interest;

IDENTITY OF WATER RIGHTS NEGOTIATING TEAM

The Water Rights Negotiating Team consists of eight members, each of whom represents one or more entities which is vitally interested in the future development of Colorado and its water resources. In fact, the entities represented by the individuals identified below are responsible for supplying water to the vast majority of the citizens of the State.

Each member of the Water Rights Negotiating Team has actively participated in all major decisions affecting the course of the negotiations, and endorses the comments set forth herein.

TEAM MEMBERS

Name and Address	Representing
Rolly Fischer, Secretary Engineer Colorado River Water Conservation District P.O. Box 1120 Glenwood Springs, CO 81602 (303) 945-8522	- Colorado River Water Conservation District
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Harold E. Miskel Resource Planning Manager Colorado Springs Dept. of Utilities P.O. Box 1103 Colorado Springs, CO 80947 (719) 636-5305	- City of Colorado Springs - City of Aurora - Pueblo Board of Water Works - Southeastern Colorado Water Conservancy Dist. - Denver Metropolitan Water Providers - Metropolitan Denver Water Authority
Keith Propst, Rancher/Farmer P.O. Box 218 Merino, Colorado 80741 (303) 522-6105	- Colorado Farm Bureau
Carl Trick, Rancher P.O. Box 15 Cowdrey, Colorado 80434 (303) 723-4925	- Colorado Cattlemen's Association - Colorado Counties, Inc.

Analysis of Senator Wirth's Wilderness Bill With Regard to Colorado Water Rights

Senator Wirth's Wilderness Bill Protects Wilderness Values of Designated Areas Without Adversely Affecting Any Colorado Water Rights.

1. The wilderness area boundaries have been drawn in such a manner that there are no upstream or downstream water rights which can be affected. All conflicts with such Colorado water rights have been eliminated by the Wirth Wilderness Bill.

2. The Wirth Wilderness Bill does not adversely affect any existing water rights located within any designated wilderness area. To the contrary, the Wirth Wilderness Bill expressly protects water rights within existing wilderness areas.

3. The wilderness area boundaries are drawn such that no changes of water rights, augmentation plans, exchanges, or other water right applications will be adversely affected by the Wirth Wilderness Bill.

4. The Wirth Wilderness Bill combines federal reserved water right principles with Colorado water law. Only that amount of water required to fulfill the wilderness purposes of the designated areas is reserved, and such reserved water must be quantified by the Colorado Water Court. The reserved wilderness water has a priority junior to all existing decreed water rights.

5. By protecting clean water in the headwaters regions, the Wirth Wilderness Bill benefits existing Colorado water rights and preserves water for future appropriators.

6. The Wirth Wilderness Bill does not modify or alter any interstate water compact and eliminates a potential compact interference with the existing North Platte Wilderness Area.

7. The Wirth Wilderness Bill expressly states that it does not create any precedent for federal reserved water rights in downstream wilderness areas.

8. No one has identified any water right which is adversely affected by the Wirth Wilderness Bill. Given the absence of any water resource conflict, one can only conclude that the objections to the water provisions of the Wirth Wilderness Bill are nothing more than a subterfuge by those who are anti-wilderness.

Glenn Porzak
President, American Alpine Club
Past-President, Colorado Mountain Club
Practicing Water Attorney

TESTIMONY OF
HAROLD E. MISKEL
REGARDING S.1343
CONCERNING DESIGNATION OF ADDITIONAL WILDERNESS WITHIN THE STATE OF COLORADO

Respectfully Submitted To

Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources

United States Senate

October 28, 1989

My name is Harold E. Miskel. The testimony I am submitting is on behalf of the Denver Metropolitan Water Providers, an organization of forty-two water providing municipalities and agencies serving water to over one million persons in the Denver metropolitan area, the Metropolitan Denver Water Authority, the City of Colorado Springs, the City of Aurora, the Pueblo Board of Water Works and the Southeastern Colorado Water Conservancy District. All together, these agencies are providing irrigation water supplies to over 200,000 acres of agricultural land and municipal supplies to approximately 1,500,000 citizens of Colorado.

We have before us today in S.1343 a wilderness bill which dramatizes the controversy surrounding federal reserved water rights for Colorado wilderness areas. Unfortunately, this bill does not offer a tenable solution to this most urgent problem.

Recognition of the wilderness reserved right in western states which utilize the prior appropriation system would seriously impair the development and management of precious state water resources. Any new upstream diversion would be prohibited in order to meet the downstream reserved rights call. In the case of a downstream stateline wilderness area, this would result in the relinquishment of a portion of a state's interstate compact entitlement. A similar result would occur relative to any inholdings. In addition, the ability to effectuate water rights changes, water trades or exchanges or any other management technique in order to promote maximum beneficial use of the state waters would be curtailed if such activity altered the flow of water through the wilderness area in any fashion. Even a senior water right holder would be unable to change the place, amount or type of his water use due to the fact that such a change would adversely affect the junior federal reserved water right in the downstream wilderness area. In this regard, it cannot be forgotten that a wilderness reserved right which is quantified based upon the Wilderness Act language referencing the "primeval character" of the wilderness or its "natural conditions" would amount to all unappropriated water remaining in the stream, as would any quantification based upon new wilderness legislation which referenced that quantity of water "sufficient to fulfill the purposes of the wilderness areas" being established.

A more detailed explanation of the adverse consequences associated with recognition of a wilderness reserved right can be found in Appendix A. Appendix A consists of a written analysis of the variety of impacts upon the exercise of state water rights which would inevitably occur should a wilderness reserved right be created, and includes a hypothetical wilderness map which graphically depicts the concerns in question. This explanation must be studied closely in order to fully understand the onerous effects of wilderness legislation which does not include appropriate water language.

A more concrete example of the problems associated with a wilderness reserved right can be found in an examination of the litigation surrounding Phase II of the Homestake Water Project. In Case No. 85CW151, Water Division No. 5, State of Colorado, opponents of this project utilized a claim based upon wilderness reserved rights in an attempt to stop project construction. The Cities of Aurora and Colorado Springs, owners of the water rights in question, had filed an application for a change in points of diversion, such change being mandated by a previously issued Forest Service permit and necessitated by the environmentally sound tunnel configuration for the project as outlined to Congress. Project opponents claimed that such movement, though only a comparatively small distance upstream, would result in injury to the wilderness reserved water right in the intervening stream segments between the original and alternate points of diversion. That is to say, there would be less water in the stream reaches between the old and new diversion points, and thus some injury would allegedly occur to wilderness values. This objection was filed despite the fact that the project had obtained a congressional exemption at the time of passage of the Colorado Wilderness Act of 1980 (Public Law 96-560), which exemption provided in part ". . . no right or claim of right, to the diversion and use of existing conditional water rights of the Homestake Water Development project by the Cities of Aurora and Colorado Springs shall be prejudiced, expanded, diminished, altered or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof;" Though the claim of injury was found to be without foundation by the Division 5 Water Court, the prospect for such use of a wilderness reserved water right in the future is very real, even for those projects which have explicit congressional authorization to proceed. S.1343 does not resolve this problem. Language should be added which specifically prohibits a wilderness water right from interfering with the development, operation, maintenance or replacement of existing water rights, facilities or projects located within previously designated or newly designated wilderness areas, and which further prohibits wilderness water rights from impairing the yield of such existing water rights, facilities or projects.

Similarly, with reference to BLM lands now under study, one need only look to proposed downstream wilderness areas on the Colorado River, Yampa River, Arkansas River and others to foresee the consequences of designation of these lands should such designation be accompanied by a wilderness reserved right. The proposed wilderness areas on these rivers will not only prevent the development of virtually all available water resources remaining in Colorado, they also will affect every existing upstream diversion of water in all these river basins -- literally thousands of water rights to millions of acre feet of water. None of these operations could ever be expanded or changed in any way which would disturb the manner in which water flowed through the downstream wilderness area. In a similar vein, these downstream BLM wilderness areas would frustrate the ability of water users and providers to operate exchanges in stream reaches from below to above the wilderness areas. Such exchange opportunities are a vital part of many water supply systems today and will be an even more important component thereof in the future. Clearly, if Colorado is to continue to grow and prosper, we must absolutely avoid having water rights for downstream wilderness. Congress has not previously passed legislation which expressly grants water rights to wilderness in Colorado. To do so, even for only headwaters wilderness areas, establishes the precedent for granting water rights to all future wilderness, including downstream areas. S.1343 would establish such a precedent, especially in light of the fact that it grants water rights to an already existing downstream wilderness, the North Platte Wilderness in Jackson County. The solution, as recommended to the Bureau of Land Management by the National Public Lands Advisory Council, is to disavow any wilderness reserved water right in these downstream areas. (See Appendix B.) This is a solution supported by Colorado water users. Language should be added to S.1343 to incorporate such a disavowal.

S.1343 contains language which is both detrimental to future water development in Colorado and other western states, and prejudicial to the position of water users in pending litigation now before the Tenth Circuit Court of Appeals. (Sierra Club v. Yeutter.) The Tenth Circuit case represents an appeal of Judge Kane's 1985 decision in the Colorado District Court in which he found that though he was without authority to order the Forest Service to claim wilderness reserved rights, such rights did exist "by implication" under the 1964 Wilderness Act.

Following is an identification of the problems associated with the water language contained within S.1343:

1. Section 201(a)(1): "Where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by this Act and the Wilderness Act (78 Stat. 890), is meant to provide for and preserve;"

Comment: This section supports the general premise that water is essential to fulfill the purposes of wilderness, with special reference to the original Wilderness Act. This would indicate that Congress intended to reserve water for wilderness at the time of the passage of the 1964 Act, and would undermine the argument being made in the Tenth Circuit that Congress had no such intent.

2. Section 201(a)(3): "The express reservation of water for wilderness areas designated by this Act will not diminish the presently adjudicated valid existing appropriative water rights

within or upstream of the areas designated as wilderness by this Act;"

Comment: Only those water rights which are "adjudicated" will be afforded any protection. In addition, though the rights may not be "diminished," they will certainly be impacted relative to change of points of diversion, expansion, or utilization of management opportunities, such as exchanges or sales.

3. Section 201(a)(4): "The express reservation of water for wilderness areas designated by this Act will not diminish the valid existing or future appropriative rights located downstream of the exterior boundaries of the areas designated wilderness by this Act and will benefit such rights by maintaining existing stream flows and preserving the natural ecosystems of the watersheds;"

Comment: Water users are arguing in the Tenth Circuit that the "within and supplemental to" forest system language contained in the 1964 Wilderness Act indicates that Congress could not have intended an implied reserved right for wilderness areas. Sierra Club responds by stating that "water flows downhill" and thus even if there be an implied reserved right, it is nevertheless consistent with the original forest purpose of water production and watershed protection. The last clause of the above section closely tracks the Sierra Club's argument. In addition, it should be noted that this paragraph references water rights located downstream of "exterior" boundaries, thus affording no protection to any inholdings.

4. Section 201(a)(5): "The express reservation of water for areas designated wilderness by this Act will not diminish the State of Colorado's right to use those quantities of water apportioned pursuant to interstate compacts and equitable decrees of the United States Supreme Court;"

Comment: The primary concern with this paragraph is whether the "will not diminish" language is a limitation upon the future quantification of the wilderness reserved right, i.e., the right "cannot" diminish the entitlement, or whether it is an affirmative Congressional finding that recognition of the right "does not" diminish the entitlement, foreclosing any future arguments to the contrary.

5. Section 201(a)(6): "The express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System;"

Comment: The message of this section is very blunt and clear: Federal wilderness reserved rights do arise by "implication" if not expressly reserved. This language specifically destroys the State of Colorado and water users appeal in the Tenth Circuit. When this Section is considered with the language in Section 201(a)(1) cited above, it is clear that S.1343 would become a Congressional mandate that all the water arising upon, under or flowing through a wilderness area is reserved to the federal government. Such a finding by Congress would legislate away a genuine controversy regarding the original intent of Congress in adopting the 1964 Wilderness Act and deliver a clear victory to the Sierra Club in the dispute.

6. Section 201(b)(1): "Therefore, the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act."

Comment: This gives very little guidance on the quantification of the wilderness reserved right. It certainly does not reflect the Supreme Court standard of the minimum amount of water such that the primary purposes of the reservation will not be entirely defeated. It is in essence an appropriation of all previously unappropriated waters. A court would look to the "primeval character" and "natural conditions" language of the original Wilderness Act in determining the appropriate quantification.

7. Section 201(b)(2): "For the purposes of state water rights administration, the priority date of the water rights reserved in this section shall be the date of enactment of this Act."

Comment: By referencing a priority date for "water rights administration," S.1343 attempts to negate the impact of the postponement doctrine as announced by the Colorado Supreme Court in U.S. v. Bell. Bell stands for the proposition that reserved rights are postponed if not claimed in state court; however, if the rights are to be "administered" under the date of enactment, the Bell case is in effect overruled by Congressional determination.

8. Section 201(b)(3): "The Secretary shall, no later than two years after the date of enactment of this Act, file a claim for the adjudication for the water rights reserved by this section in appropriate proceedings in the court of the State of Colorado pursuant to the provisions of 43 U.S.C. 666, and shall take all steps necessary to protect such rights in such adjudication;"

Comment: This section mandates that the Forest Service file for wilderness reserved rights. It is undoubtedly in response to the Forest Service plan filed with Judge Kane, in which the Forest Service indicated that it saw no need for such filings in most instances. It seems to be an unwise directive in the current economic times.

9. Section 201(b)(5): "Notwithstanding anything contained in this Act or any prior Acts of Congress to the contrary, the United States shall not assert reserved water rights to waters in the North Platte River for purposes of the North Platte Wilderness Area located on the Colorado-Wyoming state boundary, to the extent such rights would prevent the use or development by present and future holders of valid water rights of Colorado's full apportionment of interstate waters within the State of Colorado pursuant to interstate compact or equitable decrees of the United States Supreme Court: Provided, That nothing herein shall excuse the Secretary from promptly adjudicating those rights in appropriate stream adjudications;"

Comment: This paragraph is somewhat ambiguous, but appears to state that the Secretary is to file for reserved water rights for the North Platte wilderness area. However, though such rights may be decreed, they will not be "asserted" if a determination is made that such assertion would prevent Colorado's use of its full interstate entitlement. Questions naturally arise as to who makes this determination, and upon what criteria is it to be made. In addition, given the generality of the language, individual projects could be opposed upon the basis that they would injure the wilderness reserved right, with the argument being that other projects could conceivably be constructed which would allow the eventual use of Colorado's entitlement. Recognition of the water right for this downstream area would lead to the argument by opponents of water development that Colorado water users could simply "pump back" the water to which they are entitled even though this may be prohibitively expensive and even environmentally damaging. Finally, it must be emphasized that this is a recognition of a reserved right for a downstream wilderness area. Because of the very serious impacts which will occur to Colorado's ability to manage its water resources and develop new water supplies, as described in Appendix A, downstream wilderness areas simply cannot be given federal reserved water rights, and the precedent of granting such rights to downstream wilderness established by this section of S.1343 must absolutely be avoided. This section should be revised to specifically state that no federal reserved water rights shall attach to the waters of the North Platte River within Colorado because of the consequences associated with the recognition of such rights in non-headwaters, or downstream, wilderness stream segments.

* * * * * * * * *

Contrary to the comments of wilderness water right advocates or those not fully knowledgeable of the appropriation system and water project construction and operation, a disclaimer of wilderness reserved rights will not result in the dewatering of wilderness areas. 16 U.S.C. §1133(c) contains a proscription against the use of motorized equipment and installation of even temporary roads, making project construction within a wilderness area impossible. In addition, 16 U.S.C. §1133(d)(4) requires that a presidential authorization be obtained before one may prospect for, or develop, water resources in a wilderness area. No such authorization has been granted to date. Further, as is true with construction activities upon any federal Forest Service lands, appropriate permits would have to be obtained under the Federal Land Policy Management Act and the Clean Water Act. Such permits mandate instream bypass flows. Similarly, the need to prevent injury to any vested water rights under ordinary principles of water law, as for example, downstream senior rights, will in many instances serve to preserve wilderness water resources. In the same vein, the requirement of upstream states to deliver water to downstream states pursuant to interstate compacts and decrees will assure that significant flows remain in downstream areas. Further, to the extent the federal government is entitled to reserved water rights to meet the primary purposes for which the lands were originally withdrawn prior to wilderness designation, such rights continue to exist and may be claimed. All of these protections are then supplemented by minimum instream flow filings made under state laws. Each of these mechanisms must be acknowledged in assessing the need for any wilderness reserved right. Finally, it should not be forgotten that wilderness without a specific reserved right and water projects have co-existed in the past, as evidenced by the Fryingpan-Arkansas water project and the Homestake water project, both of which are located and operated within Colorado wilderness areas.

At the request of both Senator Armstrong and Senator Wirth, a committee of water users representing each geographic and economic segment of the state (Appendix C) has diligently negotiated with environmental interests in an effort to reach a compromise solution to this problem. In May, 1989, the water users submitted a comprehensive package proposal to the Senators, which proposal included significant concessions by Colorado's water users and providers. The proposal, attached hereto as Appendix D, was presented in the form of compromise legislation, which legislation was based upon seven principles of settlement developed by the water users. A copy of the settlement principles is attached hereto as Appendix E. These principles allow for the recognition of a wilderness reserved right for headwaters wilderness areas, the quantification of which would be based upon the principles enunciated by the United States Supreme Court, i.e., the minimum amount of water necessary such that the primary purposes of the reservation are not entirely defeated. As a quid pro quo, there would be a denial of any implied or express rights for the non-headwaters or so-called downstream North Platte Wilderness Area. This would serve as precedent for future downstream designations. Finally, there would be a reaffirmation of access rights, previously authorized facilities, interstate compact entitlements, and the presidential authorization provision as contained in the 1964 Wilderness Act. The legislative proposal was comprehensive and fair, and did not attempt to influence the outcome of pending litigation.

Unfortunately, S.1343 does not embody the principles of this compromise proposal.

Adoption of the water users' comprehensive legislative package would demonstrate that degree of political courage demanded by the need to address today, when future water projects are in the planning stage, the significant problems associated with future downstream wilderness designations. Should the federal government and Colorado water users be successful in their appeal of Judge Kane's decision, the legislative compromise would have recognized more, i.e., a reserved right for headwaters wilderness areas. Should Judge Kane's decision be upheld upon appeal, Congress would have already accomplished the hard task of being the final arbiter of the conflict between wilderness reserved rights and water use and management. Simply stated, the problem will not go away. A headwaters only bill without appropriate water language can only further muddy the waters by establishing a bad precedent for both future designations and current litigation, and is certainly not the appropriate course to follow.

Colorado water purveyors have a responsibility to Colorado citizens to provide a reliable and affordable supply of water to meet agricultural, industrial and municipal needs. They are likewise obligated to defend the valuable property interests which they possess by virtue of existing water decrees, while at the same time planning for future water filings to meet the water requirements of succeeding generations. The current and future economic well being of the State of Colorado depends upon a recognition by Congress of these facts as they relate to the establishment of a wilderness reserved water right. S.1343 falls far short of the mark in this regard, and must be defeated. Only legislation embodying the principles attached hereto can lead to the type of accommodation which will serve the needs of all interested parties.

LIST OF ORGANIZATIONS SUPPORTING OR ENDORSING CWC'S PRINCIPLES OF WILDERNESS WATER RIGHTS SETTLEMENT

American Society of Civil Engineers - Colorado Section Water Group
Arapahoe County Board of Commissioners
City of Aurora
Colorado Association of Commerce and Industry
Colorado Association of Home Builders
Colorado Association of Realtors
Colorado Association of Soil Conservation Districts
Colorado Cattlemen's Association
Colorado Concern
Colorado Contractors Association, Inc.
Colorado Farm Bureau
Colorado Off Highway Vehicle Coalition
Colorado River Water Conservation District
City of Colorado Springs
Colorado Springs Chamber of Commerce
Colorado Springs Board of Realtors
Colorado State Grange
Colorado Timber Industry Association
Colorado Water Resources & Power Development Authority
Colorado Woolgrowers Association
Custer County Board of Commissioners
Deep Rock Water Company
Denver Metropolitan Water Providers
Denver Water Board
Dolores County Board of Commissioners
Five Points Business Association
Home Builders Association of Metro Denver
Intermountain Forest Industry Association
Jackson County Board of Commissioners
La Plata County Board of Commissioners
Larimer County Board of Commissioners
Metropolitan Denver Water Authority
North St. Vrain Water Conservancy District
Northern Colorado Water Conservancy District
Northern Colorado Water Conservancy District - Municipal Subdistrict
Pueblo Board of Water Works
Pueblo Chamber of Commerce
Rocky Mountain Oil & Gas Association (RMOGA)
St. Vrain and Left Hand Water Conservancy District
Southeastern Colorado Water Conservancy District
Southwestern Colorado Water Conservancy District
Special District Association of Colorado
Upper South Platte Water Conservancy District
Western-Mobile, Inc.
City of Westminster, Colorado

10/28/89

APPENDIX E

PRINCIPLES OF WILDERNESS WATER RIGHTS SETTLEMENT

1. Designation of additional high altitude, headwaters wilderness lands with federal water rights for headwaters stream segments being adjudicated in Colorado water courts following a Congressional determination that no Colorado water interest is injured, quantification of reserved rights to be in accordance with principles enunciated by United States Supreme Court and with a reservation date as of the enactment of the new wilderness designation;

2. Right of access for construction, completion, operation, repair, maintenance or replacement of water facilities needed to exercise existing water rights in wilderness areas;

3. No implied or expressed federal water rights for non-headwater wilderness stream segments, such as the North Platte River within Colorado and future non-headwaters wilderness stream segments;

4. Protection for water rights, water facilities and projects in wilderness areas designated in Colorado under prior Acts and under the new legislation;

5. Wilderness water rights shall not be created if they would interfere with the State's present or future water needs or the development and use of water to which Colorado is entitled under interstate compacts or decrees;

6. Presidential authorization of water facilities to be built in the future would be allowed where federal reserved water rights have been created, if the President determines that additional water withdrawals from designated wilderness areas are needed in the public interest;

7. Release of remaining Forest Service wilderness study areas from study status, except for the Piedra.

THE WILDERNESS SOCIETY

STATEMENT OF DARRELL R. KNUFFKE
CENTRAL ROCKIES REGIONAL DIRECTOR
THE WILDERNESS SOCIETY
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS
October 28, 1989

My name is Darrell Knuffke and I represent The Wilderness Society. Mr. Chairman, off-highway vehicle users have criticized Senate Bill 1343 on the ground that it will deny them the chance for motorized recreation on Colorado's public lands. Nothing could be further from the truth.

As a frame of reference, consider the mileage of the state highway system. According to the Colorado Highway Department, the state highway system totals 9,183 miles on Interstate, U.S. and state highways.

But the road and trail mileage available today to motorized recreationists on Forest Service and BLM lands in the state totals 21,700 miles--well over twice the 9,183 miles in the state highway system and roughly the equivalent of four round trips between Los Angeles and New York City.

According to the Regional Office of the Forest Service, its road system alone in this state totals 20,025 miles. 7,182 of those miles are usable by passenger cars. 10,000 are suitable for use by four-wheel-drive vehicles. 2900 miles are closed to general use.

The Forest Service trail system offers another 2,754 miles for use by all-terrain vehicles and motorcycles. And snowmobiles by their nature are not restricted to operation on roads, anyway.

The Colorado BLM reports that its road system in the state includes 4,200 miles of roads and another 400 miles of trails. (Those figures do NOT include country roads that cross BLM lands.) In all, 5.5 million acres of BLM land in the state are accessible to off-road vehicle users. And it's worth noting that of that total, 3.5 million miles are open to cross-country motorized travel whether there are roads and trails or not.

CENTRAL ROCKIES REGION
777 GRANT STREET SUITE 606, DENVER, COLORADO 80203
(303) 839-1175

There are 21,700 miles of roads and trails on Colorado's public lands for motorized recreation and millions and millions of acres of public lands available for snowmobile use. Senate Bill 1343 will have no adverse impact on roaded recreation in Colorado. It is not in short supply, Mr. Chairman, but wilderness is. Senate Bill 1343 deserves to be passed.

* * *

AMERICAN WILDLANDS (formerly American Wilderness Alliance)
7500 E. Arapahoe Rd, Suite 355, Englewood, CO 80112
(303) 771-0380 FAX (303) 694-9047

STATEMENT OF
SALLY A. RANNEY, PRESIDENT

AMERICAN WILDLANDS
(formerly American Wilderness Alliance)
7500 E. ARAPAHOE RD., STE. 355
ENGLEWOOD, CO 80112
ON
S.1343 DESIGNATING ADDITIONAL AREAS
IN COLORADO AS WILDERNESS

BEFORE THE U.S. SENATE ENERGY AND
NATURAL RESOURCES COMMITTEE
October 26, 1989

My name is Sally Ranney. I am President of American Wildlands, (formerly American Wilderness Alliance), a national conservation, recreation and educational organization which dedicates its efforts to the protection and wise management of America's wildland resources (wilderness, wetlands, fisheries, free flowing rivers, wildlife and watersheds).

Today I want to briefly present the findings of very revealing research on the economic values of wilderness American Wildlands commissioned. Dr. John Loomis of the University of California, Davis and Dr. Richard Walsh, of Colorado State University, were the principle economists who conducted this research.

ECONOMIC VALUES AND BENEFITS OF WILDERNESS

There are many reasons Americans value the preservation of Wilderness. These values of course the first one generally considered/measured is the **RECREATION OPPORTUNITIES (VALUES)** that only wilderness can provide.

But in addition to recreation, wilderness designation provides an **OPTION VALUE** to many people who do not currently visit these magnificent areas but would like to in the future. The option value encompasses the concept that wilderness designation as an insurance policy guaranteeing these areas will be available in their present pristine condition should they get the opportunity to visit them in the future. In this sense, option value is the amount of the insurance premium they would pay this year to insure that these areas will be protected in case they wish to visit them in the future.

Besides current and future recreation use, a broad segment of society that never expects to personally visit these areas derives a great deal of enjoyment and personal satisfaction just knowing these areas are protected habitats, natural areas and watersheds. This **EXISTENCE VALUE** stems from the knowledge that these natural areas continue to exist in their pristine state in a world that is continually urbanizing and consuming natural areas and resources.

A fourth benefit that wilderness protection provides to many people who may never visit the area is a **BEQUEST VALUE**. The Bequest Value arises from the satisfaction gained from knowing that Wilderness designation will provide future generations the opportunity to visit these areas. In many respects, Wilderness designation allows these natural areas to pass from generation to generation as a "natural heritage family heirloom". Wilderness areas represent an American tradition (in this context of bequest) in which the current generation takes great pride passing on to future generations. There is great benefit in knowing they too will have the opportunity to visit these areas and see them much as they exist today. Protection of these areas is a natural heritage link that can bind generations together.

MEASUREMENT OF THESE BENEFITS

To translate these wilderness benefits into something more tangible, a technique called the Contingent Valuation Method is used to create a "simulated market" where people can express these benefits in dollar terms. A survey is developed and participants are asked how much would they pay or how much would they sacrifice to attain these benefits provided by wilderness.

This is no mere opinion poll, but a carefully structured research technique which has been shown in subsequent research to be a reliable technique for measuring the economic value of preserving natural environments. The Contingent Valuation technique is approved for use by Federal Agencies in the U.S. Water Resources Council Principles and Standards and has been given "rebuttable presumption" in court by the U.S. Department of Interior for valuing natural resource damages under the Comprehensive Environmental Recovery, Compensation and Liability Act. These regulations giving Contingent Valuation rebuttable presumption appeared in the August 6, 1986 Federal Register as a final rule.

HOW DID WE CARRY OUT OUR STUDY?

A mail survey of randomly selected households of Colorado households was conducted during the summer of 1980. The survey followed the procedures outlined in the U.S. Water Resources Council Principles and Standards. A 41% response rate was obtained. Comparison of the characteristics of the responding households to the State population indicated the sample was representative of the State.

The survey contained a map showing various acreage amounts of identified roadless areas that could be designated Wilderness. Households were asked to write down the most they would pay each year into a special wilderness trust fund for 1.2 million acres of wilderness, 2.6 million acres, 5 and 10 million acres.

These values ranged from $14 per household per year to protect 1.2 million acres to $19 for 2.6 million acres, to $25 for 5 million acres and $32 for designating all 10 million roadless acres in Colorado as wilderness.

Since protection of wildland resources as wilderness insures the areas will be available in perpetuity, annual values are converted into present value or present worth. The annual benefits were then converted to present values using the Federal interest rate of 7.735%.

The recreation, option, existence and bequest values of additional acres beyond the current 2.618 million acres is valued by Coloradoans at $148 per acre, which calculated on the consumer index over a 50-year period (renewable resource), the value of Colorado's 2.6 million acres of wilderness is $1.9 billion. Colorado citizens indicated they would pay $148 to protect each additional acre of roadless area beyond the current 2.6 million acres as new Wilderness Areas, which in this case is 750,000 valued at $111 million. These values are calculated from Table 14, page 78 of our Wilderness Report.

OPPORTUNITY COSTS OF DESIGNATING THE ADDITIONAL ACRES

There may be potential resource uses that will be foregone if an area is designated Wilderness. We obtained information on the types of uses and the dollar value of these commodity alternatives foregone from the U.S. Forest Service data they developed as part of their RARE II (Roadless Area Review and Evaluation, II) effort using a process they called Development Opportunity Rating System (DORS), which includes the areas under consideration in S.1343.

These opportunity costs included net benefits of timber harvests foregone, range improvement projects and motorized recreation. As we now know from the UNITED STATES FOREST SERVICE Timber Supply accounting system, many of the timber sales in the Rocky Mountain region in fact lose money and hence the opportunity cost of many wilderness areas is zero. Including management costs of $1.75 an acre with these commodity opportunity costs results in a per acre present value of opportunity costs of additional wilderness average around $46 per acre.

WHAT DOES THE COMPARISON OF BENEFITS AND COSTS TELL US

Given the additional 750,000 acres being considered, each additional acre is valued by the citizens of Colorado at $148 for the recreation option, existence and bequest benefits provided to current and future generations. Each additional acre only requires society to give up $46 worth of commodity outputs. Thus we gain $102 per acre for every acre we designate as Wilderness, that is we receive wilderness benefits that are $102 greater per acre than we lose in commodity benefits. In technical terms then wilderness designation is a an economically efficient allocation of land. Wilderness designation moves land to a higher valued use. The overall net gain to society from adding these 750,000 acres to the National Wilderness Preservation System then is $76.6 million dollars of present value.

PUBLICATION OF RESEARCH IN SCIENTIFIC REFERRED JOURNAL

At this time I would like to mention that these findings and methodology were published in scientific journals, such as the highly respected natural resource journal, Land Economics, Published by the University of Wisconsin, in which each article submitted for publication undergoes an anonymous reviewed process. This research appeared in the February 1984 issue (Volume #60). The paper has not been challenged. The study is widely cited in literature as an example of applying the Contingent Valuation Method to valuing option, existence and bequest values of wilderness. The study has also appeared in publications issued by the U. S. Forest Service and has been presented at numerous scientific conferences. It is available in report form from American Wildlands, 7500 E. Arapahoe Rd., Ste. 355, Englewood, CO 80111, (303) 771-0380.

Recently this work has been replicated in Utah by Professor Pope at Brigham Young University.

ADDITIONAL COMMENTS

These figures do not include any jobs lost due to timber/mining/ or four wheeled recreation, nor any jobs gained from wilderness designation. Under Federal Benefit-Cost guidelines (U.S. Water Resources Council and U.S. Department of Interior CERCLA Regulations) changes in jobs net or reflect a transfer of economic activity from one industry or region to another at the national level and hence are not considered either a cost or a benefit. This is likely to be applicable at the State level as well.

Water values are implicitly included in these figures as water is a component of a functioning wilderness ecosystem in Colorado. It would be worth while to calculate opportunity costs compared to water development costs and value of water in substitute uses and water conservation.

THE NUMBERS PRESENTED ARE SOMEWHAT CONSERVATIVE

1. We have not factored in added benefits received by Americans living outside Colorado. Including our best estimate of these values would increase the values per acre

and total value by a factor of 1.5. Thus total benefits would be $114.9 million instead of $76.6 million.

2. We used the 7.735% discount rate and only included population increases in Colorado. However, if we used the UNITED STATES FOREST SERVICE discount rate of 4% the present value would have been approximately 25% greater.

CONCLUSION

I would like to conclude my remarks by saying that some argue economics should not be used as a reason for protecting wilderness, and I would agree if that were the only reason. We should never loose sight of the scientific, historical aesthetic and inspirational and biogentic reasons for protecting the areas of our state in which the genius of nature can go on unmanipulated. The economic values of wilderness are real, tangible, significant and one more arrow in the quiver of reasons why it is important to protect our wild heritage.

Please included this statement in the hearing record as well as a copy of our research report, "Wilderness Resource Economics: Recreation Use and Preservation Values".

Committee Note.--The report referred to has been retained in Subcommittee files.

colorado
environmental
coalition

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TESTIMONY OF THE COLORADO ENVIRONMENTAL COALITION
BEFORE THE PUBLIC LANDS SUBCOMMITTEE OF THE
U. S. SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Delivered by Rocky Smith, Forest Management Coordinator
October 28, 1989

I am Rocky Smith, Forest Management Coordinator for the Coorado Environmental Coalition. CEC is a non-profit citizen's organization founded in 1965 "to achieve the conservation of natural resources and the preservation of environmental values primarily in Colorado through coordination of the environmental community". We have approximately 1300 individual members and 30 member groups for a combined membership of over 30,000 people.

CEC strongly supports Senator Wirth's Wilderness Bill. In this testimony, I will focus on the Forest Service response to S. B. 1343.

The agency appears to have overstated, or in some cases misstated, the amount of timber that will become unavailable for harvest if Senator Wirth's Bill is enacted into law. In the first place, the agency overstates the amount of timber now being offered annually from at least four of Colorado's seven national forests. Due to a shrinking federal budget, these forests are cutting much less than they proposed to cut when their land management plans were formulated in the early and mid-1980's.

Much of the timber in areas proposed for wilderness is of marginal commercial quality. Since these areas are roadless, road construction would be necessary to access the timber. This could require a considerable expense. Thus the timber in these areas is likely to be the first to be dropped from being offered as total Forest offerings drop because of lower budgets, citizen pressure and court decisions.

Second, the Forest Service indicates that timber sales are scheduled in the Service Creek, Wheeler Geologic, Williams Fork, Piedra and Sangre de Cristo areas. In checking our records, we find no indication that these sales are scheduled. (See area-specific information below.)

Our information comes directly from the individual national forests, thus the Forest Service is either confused about where it intends to offer timber for sale or it has suddenly decided to

"Humanity belongs to earth, not earth to humanity" offer sales (or convince the public it intends to do so) in proposed wildernesses now that Senator Wirth has introduced a wilderness bill.

CEC believes that timber is not needed from these areas to support existing industry. There are many places where comparable timber can be found; these places will usually have roads, in contrast to the proposed wilderness areas where roads would have to be built, often at considerable expense.

In fact, there are not many areas left in Colorado below 9,000 feet elevation that remain unroaded and in a natural state. Thus we feel it is very important that the following areas be added to the National Wilderness Preservation System: Service Creek, lower elevation lands on the east side of the Sangre de Cristo Range, the Davis Peak addition to the Mt. Zirkel Wilderness, the V-Rock addition to the South San Juan Wilderness, Service Creek, additions to the Piedra Wilderness Study Area and Fossil Ridge.

These areas contain ecosystems, such as the ponderosa pine/douglas fir and white fir/mixed conifer ecotypes, that are not well represented in the wilderness system in Colorado. Surely these areas are far more important for preservation of their wilderness characteristics than they are for the miniscule amount of timber that could be removed from them. We must also remember that building roads and removing this timber would destroy the qualities that make these areas eligible for wilderness. That would be a serious and possibly permanent loss.

Therefore, we urge prompt passage of Senator Wirth's Wilderness Bill, S. B. 1343.

SPECIFIC COMMENTS ON THE FOREST SERVICE RESPONSE TO S. B. 1343

For this section of our comments, the reader should have a copy of the Forest Service response handy for reference. Our comments appear in the same order as listed in the Forest Service document.

First page (the pages on my copy are not numbered): The agency is apparently unaware of recent trends in timber harvesting on Colrado's forests. Here is some recent information on how much timber is being offered and sold on Colorado's national Forests.

FOREST	FOREST PLAN ASQ	OFFERED FY 1988	SOLD FY1988
Arapaho-Roosevelt	30.0	20.0	18.51
Pike-San Isabel	25.7	14.5	7.47
Routt	37.8	29.0	29.0
San Juan	41.8	29.4	16.46

Note: all figures in million board feet from Fiscal Year 1988 R-2 Cut and Sold Reports, published by USDA Forest Service. ASQ= allowable sale quantity, or the maximum amount of timber a forest can offer per year based on an approved forest plan.

It is obvious from this table that these four forests are offering much less timber than allowed under their respective forest plans.

BUFFALO PEAKS WSA: no big game habitat manipulation should be necessary in the northern part of the area, as this is not winter range. Improving non-winter range does not increase the carrying capacity of the habitat, nor does it increase the health of existing herds, because big game populations are always limited by winter range.

There are plenty of places to cut firewood nearby (parts of South Park and southwest of Buena Vista, for example), so there is no need to cut firewood in Buffalo Peaks.

DAVIS PEAK FPA: Any water produced by timber cutting may not be measurable. Even if it was, it probably would not be useful to have extra water because it would be produced in the Spring when it is least needed. Indeed, there is too much water flowing in creeks in the Spring in some years.

FOSSIL RIDGE WSA: during the recent public comment period for the propsed amendment to the GMUG National Forest Plan, citizens, local governments and businesses were adamant that there be no timber harvesting in roadless, scenic and special areas. Thus any cutting in Fossil Ridge would face a massive firestorm of opposition.

Also, the timber would have to be very valuable to make hauling it all the way to Montrose (where the nearest large mill is) economic.

LOST CREEK FPA: there is little if any demand for wood products from this area. Several small mills in the general area have ceased operations in the last five years, due primarily to a large reduction in demand for firewood in the Denver metro area. This has occurred because of burning restrictions that have been enacted to alleviate air pollution. Also, prices for other energy sources (oil, gas, etc.) are much lower in real terms than they were in the late 1970's when data for the Pike-San Isabel plan was assembled. That plan assumed a very high and increasing level of demand for firewood.

PIEDRA WSA ADDITIONS: The Sandbench sale was postponed for two years by the Forest Supervisor. Also, there will be no sales scheduled in Rocky Basin in the next 10 years. This is in an agreement reached in 1988 during negotiations on the forthcoming amendment to the San Juan Forest Plan.

ST. LOUIS PEAK FPA: Most of the timber here is located on very steep slope which would make safe implementation of a timber cut difficult. I beleieve at least one sale was cancelled for this reason in the mid-1980's.

It is grossly exaggerating the case to say that not cutting in this area will increase insect and disease problems in the adjacent Fraser Experimental Forest. If true, then the Experimental Forest is even more threatened by tree stands to the north and east, as these areas are closer to the Experimental Forest than the stands in the FPA. Besides, the Experimental Forest is set up for research, so what is wrong with doing research on insects and diseases?

SANGRE DE CRISTO WSA: The Forest Service states that timber is slated for offering in the Smith Park/Texas Creek and Hudson Creek/Music Creek areas. There is no mention of this in the recently proposed amendment to the Pike-San Isabel Forest Plan. This amendment shows where timber harvests are planned in the next three years, subject to the availability of funding. It is significant to note that the amendment assumes that full funding will be available (a very unlikely prospect-- this year only about 40% of the timber program was funded) and still does not schedule harvests in these areas.

As with Buffalo Peaks, there are plenty of places to cut fuelwood nearby, thus this wood product need not come from the Sangre de Cristo area.

SERVICE CREEK FPA: to my knowledge, there is no timber scheduled for sale in Upper Silver Creek. One or two sales here were cancelled in the mid-1980's. I also find no record of sales proposed for the northern part of the area near Walton Peak. It should be noted that there has already been heavy cutting along the Buffalo Park Road (FDR 100).

PROPOSED V-ROCK ADDITION TO THE SOUTH SAN JUAN WILDERNESS: Timber operating costs would be high in this area due to boggy areas (permanently wet ground).

SPANISH PEAKS WSA: Any timber offered here might have no buyer, as I know of no mill nearby. Even if there is one, there are plenty of areas where timber can be cut within 50 miles.

WHEELER GEOLOGIC WSA: I don't beleive the Forest Service has ever made an inventory in this area, so they should not state here that there are no unique ecosystems in the Wheeler area.

This area is needed for wilderness because agressive roading and timber cutting over much of the Rio Grande National Forest, including a large area just to the east of Wheeler, has left few areas for unconfined, primitive recreation, unfragemented wildlife habitat and solitude.

Many people in the Creeded area would probably strongly oppose any roaded entry into Silver and Wason Parks. There are no sales planned here for at least the next five years.

WILLIAMS FORK WSA: According to the information I have received from the Dillon Ranger District, there are no timber sales planned for Pioneer and Bushee Creeks in the near future.

CONCLUSION: from the timber stanpoint, there is absolutely no reason why the areas in S. B. 1343 should not be designated wilderness. The timber resource that would be foregone if S. B. 1343 became law are almost negligible. These supplies of timber could be easily replaced in already roaded areas where they could be harvested less expensively and without damaging wilderness characteristics.

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U.S. Senate Sub-Committee
on Public Lands, National Parks and Forests
Denver, Colorado - October 28, 1989
Keith Propst, President, Colorado Farm Bureau

There are many issues that concern agriculture about wilderness areas. The grazing of livestock becomes impractical because no motorized vehicles are allowed and ranchers are unable to maintain stockwatering and other facilities.

The impact of wilderness on adjoining private land involves noxious weeds, pests and the risks of uncontrolled forest fires.

It is most important to understand that the farm and food system of Colorado employs over 225,000 people and accounts for $20 billion of the estimated $70 billion of total sales in the state, or nearly 30%.

Only 28% of Colorado cropland, or 3 million acres, are irrigated but account for 70% of the crop receipts.

What does this have to do with wilderness?

For production agriculture to survive in this state, there must be recognition that water rights are our most important property rights. They have been purchased over the last 130 years with the sweat of farm and ranch families and backed up by state water law. This same law protects the water supplies of the cities and towns. It is simply wrong and unfair for the federal government to super-impose a new water right into this system.

We have two major concerns with the bill proposed by Senator Wirth.

First, with the greatly expanded acreage he proposes. In 1986 the Colorado delegation with Senator Armstrong and former Senator

Hart, including then Congressman Wirth who was very active in the negotiations, reached an agreement on boundaries of about 580,000 acres.

Even this is more than the 401,000 acres recommended by the forest service as suitable for wilderness designation. Now Senator Wirth proposes over 700,000 acres. Much of the land has been studied and previously released for multiple use. The forest service considers it unsuitable for wilderness.

Second, we are concerned about the water language. These proposed wilderness areas do not need water rights. Their very upstream location guarantees them all the water in the stream. To give them water rights would set a dangerous precedent which will be difficult to overcome when considering future downstream wilderness designation.

In conclusion, we strongly support multiple-use management of federal lands. To quote Secretary Interior Lujan, "The multi-use concept, a policy approved by the Interior Secretary Cecil Andrus, in a Democrat Administration, a decade ago, and supported by every Interior Secretary since, is being threatened by single-minded forces bent and determined to remove as much land as possible from multi-use designations.

"When it comes to farmers, perhaps the most important Interior Department role is that of being 'A Good Neighbor." While Federal lands are often put to positive use in assisting farmers with their endeavors, you know all too well, that Federal lands which boarder your properties can often become a general nuisance."

Thank you for the opportunity to present our views.

STATEMENT OF KENT BINGHAM
ON BEHALF OF
THE INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION
BEFORE THE PUBLIC LANDS SUBCOMMITTEE
OF THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
S.1343
OCTOBER 28, 1989

Mr. Chairman and members of the Subcommittee and the Colorado Delegation:

We appreciate the opportunity to testify before the Subcommittee. I am Kent Bingham and am here today to speak on behalf of the forest products industry in Colorado. Our industry, in the state, represents more than 3,600 people in the primary production of forest products and annually produces a gross value of 184 million dollars to the state of Colorado.

The question of adding wilderness or maintaining wilderness study areas which total to over 800 thousand acres to the already existing 2.6 million acres of wilderness in Colorado is of great concern to the forest products industry in the state. Our sawmills and loggers have less volume under contract at this time, than has been the case for a number of years. This situation makes it increasingly difficult to adequately plan for and successfully complete advanced road construction, on-going sawmill operations and capital expenditure outlay. It is also a disruptive situation with regard to employment, employee attitude and work force stability. At the same time, we are forced to cope with continued pressure by preservationalist groups to influence thorough appeals or litigation reductions of forest harvest levels even lower than forest plans indicate they should be. As a result, it is apparent to us and should also be to others, that a further erosion through wilderness designation of the timber base in Colorado national forests can only make what is currently a very bad situation for us even worse and one that, if it continues, will prove detrimental to the economic health of our state through the loss of jobs.

THE QUESTION OF SUITED FOREST LAND

S.1343, according to Forest Service estimates, contains an estimated 156,571 acres of suited forest timberland which is scheduled for harvest in accordance with current forest plans. This represents about 11 million board feet of annual ASQ that would be sacrificed if S.1343 is enacted. There are an additional 258,261 acres that are designated as lands tentatively suited for future harvesting which best estimates indicate represent the potential for an additional annual volume of at least 15 million board feet. Also included within the boundaries of areas proposed by S.1343 are scheduled timber sales which represent at least 39 million board feet, located within the Sangre De Cristo, Service Creek, Peidra, Spruce Creek and Wheeler areas. These proposed timber sales are located on some of the suited acres referred to and are within the 10 year planning horizon of current forest plans.

The fact that suited acres are included in S.1343 is very questionable at best since their inclusion by the Forest Service as suitable would seem to indicated that they were never intended to be considered as wilderness. An automatic reduction of 11 million board feet in ASQ from existing forest plans is something our industry questions and is strongly opposed to and would have immediate adverse impact on established sawmills already suffering from a shortage of timber.

The potential impact of the designation of more than 258,000 acres of timberland classified as tentatively suitable is as troublesome and potentially disastrous as the loss of suited acres. These lands are being held in reserve by the Forest Service for possible harvest in the future if they are needed to meet timber supply needs of Colorado and the nation - permanently setting those lands, which include nearly 4 billion board feet of standing timber, aside as wilderness will forever preclude realizing any of the 15 MMBF potential annual timber yield from these areas. The probability that any of these areas would ever be taken out of wilderness status is non-existent in our opinion.

THE QUESTION OF ROADLESS AREA ENTRY

The future of Colorado's forest products industry depends upon the timely offering of an adequate volume of timber sales, many of which are planned to come from roadless areas within the state. Completed forest plans call for the immediate harvest of timber from many of these areas. The Forest Service's ability to carry out timber harvest plans in these areas has been severely hampered by ongoing disputes, appeals or threats of appeal and/or litigation which have continued to block the timely execution of Forest Service plans to develop these areas. Most challenges emphasize the issue of protecting these roadless areas from development in the hope that they may eventually be designated wilderness, rather than managed for timber harvest. Any legislation acceptable to our industry must guarantee and provide for the uncontested and timely development by the Forest Service planning process of the timber resource in all other non-wilderness, roadless areas.

THE QUESTION OF WILDERNESS STUDY AND FUTURE PLANNING AREAS

Advocates of wilderness legislation sometimes refer to the need for "release" of non-wilderness areas as an important purpose of the legislation. We agree but seriously question that S.1343 as drafted will effectively accomplish this need over the short or long term. The Wilderness Study and Future Planning areas established as a result of the Colorado Wilderness Act of 1980 require specific release before the Forest Service can manage the areas. Also, some of these areas or additions there to as proposed in S.1343 were never studied or were studied and recommended as unsuitable for wilderness under the criteria established by the Wilderness Act of 1964, and should be managed for the many multiple-uses which they contain and can provide for the future long term well-being of Colorado and our nation.

We respectively submit that wilderness legislation for Colorado must bring to an end the ongoing question regarding these areas and their de facto wilderness status by conclusively declaring that the areas recommended as unsuitable by the Forest Service be managed for all multiple-use benefits, and that these lands can never again be studied for inclusion as wilderness. The next successful wilderness bill for Colorado must be the last.

THE QUESTION OF MULTIPLE-USE BENEFITS

The Colorado State Forest Service has estimated that the primary and secondary forest products manufacturing industry generates over one billion dollars in gross product value and provides jobs for over ten thousand Coloradans annually. Through the harvest of timber and payment of stumpage, payments to counties equates to over half a million dollars per year. The positive present net value of timber harvest to other multiple-uses such as wildlife and water is in the multi-millions of dollars per year. According to Forest Service estimates, each million board feet of timber harvested equates to 10 jobs in the primary production and manufacture of timber products with an income of over $22,000 per job. State and local taxes paid are also in the millions of dollars.

Existing wilderness is a negative influence with respect to the potential, overall value of timber and other multiple-use economics in Colorado. S.1343 as previously stated, would have a serious impact upon the future potential of sawmills to continue to operate in Colorado and would also seriously impact the economic well being of all multiple-use interests in our state. Therefore, our industry supports the position of the Colorado Public Lands Multiple Use Coalition which states their support of additional wilderness designation "only to the extent it does not interfere with property rights or remove from multiple-use public lands which are better suited for industry, grazing, recreation, water, timber, energy and mineral production and wildlife management."

THE QUESTION OF WILDERNESS BOUNDARY DESIGNATION

The forest products industry is in the process of mapping the suited and tentatively suited acres previously referred to, the inclusion of which as wilderness we object to, and will provide these maps to all concerned when this task is completed. Boundary designations which we can support will exclude areas we consider to be important to the future long term production of timber upon which our industry must depend for continued, successful operations. In addition, because of the fact that wilderness designation effectively prohibits any multiple-use management such as insect, disease, or fire, natural disasters can and do spread and destroy adjacent private or national forest lands adversely effecting other multiple-uses such as wildlife, water quality, and timber. Our industry opposes wilderness designation where due to size, location, or boundary designation, considerable resources located on adjacent land are put at risk.

SUMMARY

For the reasons set forth herein, Colorado's forest products industry cannot support and, in fact, is forced to work for the defeat of S.1343 in its current form. The immediate and long-term impacts to already short supplies of timber which result from lands withdrawn from timber production as a result of the bill will cause serious hardships to many in our industry. In addition, this legislation includes, even expands upon some Wilderness Study and Further Planning areas as established in the Colorado Wilderness Act of 1980 that were recommended as unsuitable for wilderness by the Forest Service under the guidelines established for wilderness and even includes areas that have never been studied. We do not support the inclusion of any of these areas.

Also, our industry feels strongly as do other user groups, that any acceptable legislation most contain "hard release" language that guarantees and provides for the uncontested and timely development by the Forest Service planning process of the timber resource in all other non-wilderness, roadless areas, with no more consideration for the creation of additional wilderness areas in Colorado. This legislation must also not establish any special management areas as proposed or create others in any form, including buffer zones. Any legislation we could support would be intended as the final bill for Colorado and must be worded accordingly.

STATEMENT OF LISA MERCIER
ROCKY MOUNTAIN OIL & GAS ASSOCIATION
CHEVRON U.S.A. INC., WESTERN REGION

before the

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
ENERGY AND NATURAL RESOURCES COMMITTEE
UNITED STATES SENATE

REGARDING S. 1343, THE COLORADO WILDERNESS ACT OF 1989

Denver, Colorado
October 28, 1989

Good morning. My name is Lisa Mercier and I am representing the Rocky Mountain Oil & Gas Association, known as RMOGA, and Chevron U.S.A.'s Western Region.

RMOGA is a trade association representing hundreds of companies and individuals involved in all phases of oil and gas activities throughout the Rocky Mountain states. Our membership is diverse, and includes major companies, as well as small and medium-sized independent operators active in this region. These operators employ some 90,000 people in jobs directly affiliated with the oil and gas industry, and account for more than 90% of the oil and gas resources produced in this eight-state region. We believe continued access to federal lands for oil and gas exploration and production is of paramount importance, not only to our members, but to the local, state, regional and national economy as well.

Chevron is the operator of Colorado's largest oil field, the Rangely field.

Since the mining and oil and gas industries combined contributed $64 million in revenues to the State of Colorado in 1988, we appreciate the opportunity to appear before this Subcommittee on S.1343, the Colorado Wilderness Act of 1989. The time has come to resolve the RARE II issue once and for all, and we applaud the efforts of members of the Colorado Delegation in attempting to develop acceptable legislation on this very sensitive issue.

We have appeared before Congress on numerous occasions over the past several years on RARE II wilderness legislation. We have urged Congress to adopt balanced bills which would satisfy the many users of the public lands. We have stressed the need for protection of special, environmentally-sensitive lands, while advocating the return to multiple use of other less-sensitive areas which would remain subject to restrictions and stipulations to protect the environment from unnecessary impacts. We believe such a balance can be achieved in legislation.

Our position on wilderness legislation in general, and on Colorado wilderness legislation in particular, has four basic components. We believe:

1. Lands of high geologic potential should remain available for mineral exploration and development.

2. Balanced wilderness legislation can only be achieved with permanent release to multiple uses of lands determined to be unsuitable for wilderness designation.

3. Lands not designated as wilderness should be managed according to forest plans and should not be placed in special management areas, or in a further study category.

4. Land with existing oil and gas leases should be excluded from wilderness designation.

Neither RMOGA nor Chevron are opposed to the designation of wilderness areas as some would like to believe. We fully recognize that there are lands which are sensitive and unique, and which qualify for special management and protection. However, we believe there are two things which must be taken into account in the determination of what type of protective management is warranted for these lands.

Unknown Geologic Potential

First, we believe that an area's oil and gas resources should be explored prior to placing it in a highly restrictive status. This was also the approach taken by Congress for designated wilderness areas when it provided, in the 1964 Wilderness Act, a 20-year window for mineral exploration and development before permanently withdrawing these lands from access.

Unfortunately, much of the land recommended for wilderness through this legislation has not been adequately explored for its oil and gas potential. We believe areas of high geologic potential should remain open to exploration so that if oil and gas resources are present in significant quantities, they can be produced for the benefit of the people of Colorado and the nation. In the past, many of our members have visited with members of the Colorado Delegation to share company data about the geologic potential of these areas. This information, while not definitive, is the best data available about the resource potential of frontier lands.

Congress is now faced with decisions as to what is the highest and best use of the RARE II lands under consideration in this legislation. In order to determine the best use of this land, however, Congress must have all the relevant information about the land's resources -- both surface and subsurface. If the oil and gas resources are unknown because exploration has been prohibited or has not occurred for other reasons, then a critical component to sound decision-making is blatantly lacking.

Adequate Protection of Surface Resources

The second factor which should be taken into account in determining what type of land management prescription is best for these areas is that wilderness designation is not the only way an area's surface resources can be protected. Existing statutes, including the National Environmental Policy Act, the Federal Land Policy and Management Act, the National Forest Management Act, the Clean Air Act, the Endangered Species Act, the National Historic Preservation Act, and scores of others, provide superlative protection for all of our nation's environmental resources. It is simply erroneous to assume that unless a particular area is designated wilderness it will not be protected from misuse or overuse.

In addition, the oil and gas industry has proven that our operations are entirely compatible with the environment. In fact, in the Gros Ventre Wilderness Area, designated in the Wyoming Wilderness Act of 1984, two well sites were previously drilled and reclaimed with no noticeable environmental impacts. So unnoticeable were these impacts that the areas were thought to be totally wild, and were found to be entirely suitable for wilderness designation, even though drilling had taken place. There are also numerous examples of superb well site reclamation in other environmentally sensitive areas. Industry operational techniques minimize the area and amount of disturbance, and rehabilitation capabilities have reached such a level of competence that the impacts of oil and gas operations are virtually, if not entirely, unnoticeable, and in all cases only temporary in nature.

It is our firm belief, therefore, that lands proposed for wilderness designation in any legislation should first be evaluated for their mineral potential prior to their designation as wilderness. We also recognize that, coupled with industry's technological capabilities to operate safely in environmentally sensitive areas, the extensive environmental laws, regulations, and policies currently in effect make wilderness designation unnecessary as a means to provide adequate protection for the environment.

Release Language

I would now like to discuss the most critical component of any balanced wilderness legislation -- language providing for the permanent release of lands determined to be unsuitable for wilderness designation. It continues to puzzle us that there is still so much controversy over this issue: that is, the permanent designation of some lands as wilderness, and the permanent release of nonwilderness lands from continual wilderness study to multiple use and resource development. There can be no balanced legislation if this type of release is not adopted. While we recognize that Congress can alter the statutory classification of lands at any time, we believe some certainty for management of nonwilderness areas must be provided in the interim for the many users of these public lands.

We have seen the practical inadequacy of the existing "soft" release language included in other wilderness bills. The language only seems to ensure that nonwilderness lands will be released from wilderness study until the next round of planning; it does not release them for nonwilderness multiple uses or resource development. The Forest Service has continued to manage them as though they were wilderness or other semi-primitive classifications, prohibiting resource development. Clearly, this does not provide an equitable balance for public land users.

Our experience with the release language in the bill is that it is tantamount to a continued de facto wilderness designation in "released" areas. We believe specific changes must be made to the release language contained in S.1343 to ensure the practical release of lands to nonwilderness multiple uses.

Further Wilderness Study

In addition to designating 750,000 acres of additional wilderness to the State's existing two million acre wilderness system, S.1343 would set aside two areas for further study, Piedra Wilderness Study Area and Purgatory Flats Wilderness Study Area. These areas have been in a wilderness study category for a number of years already, and there can be little point in postponing tough decisions on these areas. At least one of the areas, the Piedra WSA, contains significant oil and gas potential and for that reason should not be studied further for wilderness, nor should it be designated as wilderness by the bill. Rather, the area should be released for multiple use management including oil and gas exploration so that its subsurface resources can be assessed.

Specific Areas of Conflict

Specifically, Chevron believes the following areas have high oil and gas potential, and therefore requests that these areas not be included in a final wilderness bill:

Oh-Be-Joyful
Greenhorn
Sangre de Cristo
South San Juan
Spanish Peaks
Piedra

Chevron currently has oil and gas leases in the immediate vicinity of the Oh-Be-Joyful area.

Water Rights

Regarding water rights, Chevron and RMOGA urge Senator Wirth to change his proposed water rights language, so that the designation of a wilderness area will not establish a federal water right.

Conclusion

In conclusion, RMOGA and Chevron are opposed to passage of any wilderness bill which does not provide for the permanent release of nonwilderness areas to multiple uses including oil and gas exploration and development, or which designates areas as wilderness which have high geologic potential for an oil and gas discovery. We do not believe, given the limited number of areas which have significant oil and gas potential, we can afford to foreclose the option of continued domestic production to meet our seriously increasing energy needs. Moreover, the inability to explore or produce oil and gas in nonwilderness areas created by the bill's soft release language would be a mortal flaw in public land and energy policy for Colorado and for the nation.

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U.S. Forest Service Rocky Mountain Region
Bureau of Land Management Colorado State Office
Colorado Division of Parks and Outdoor Recreation

TESTIMONY OF

DENNIS LARRATT

COLORADO OFF HIGHWAY VEHICLE COALITION (COHVCO)

OCTOBER 28, 1989

SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

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Senator Wirth, and fellow concerned citizens:

My name is Dennis Larratt and I represent the Colorado Off Highway Vehicle Coalition.

- I am a native Coloradan, who grew up in the small town of Beulah, attended Colorado State University and now reside in Littleton. I am an avid motorcyclist and downhill skier, but I also spend a fair amount of time riding horseback, hiking and cross country skiing in the back country of Colorado. I am also a member of the Board of Directors of the Colorado Off Highway Vehicle Coaltion.

- The Colorado Off Highway Vehicle Coalition is a group representing the interests of Off Highway Vehicle users throughout the state, including ATV, Motorcycle, Four Wheel Drive and Snowmobile users. We represent a membership comprised of the following:
  - 3800 individuals
  - 2450 families
  - 285 businesses

  We also indirectly represent the needs of the estimated 192,000 Coloradans, 6% of total population that are OHV users

  Off Highway Vehicles are those vehicles used for recreation and access to remote areas on established roads and trails. Most of these vehicles are motorized, but mountain bikes are sometimes included in this definition. We are very deliberate in the use of the term Off Highway rather than Off Road, because proper use dictates that use remain on established roads and trails. A draft copy of the Colorado Off Highway Vehicle Recreation Program, a plan to implement Colorado House Bill 1329 (Attachment #1), describes education, use and trail marking that users have promoted to improve use of public lands in Colorado.

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- I want to cover the following concerns and comments on Senate Bill 1343:

1. Just as Senator Wirth generally supports Wilderness, but voted against the Idaho Wilderness Bill, S 371, being reported out of committee on October 4, 1989, COHVCO also has mixed views on Wilderness. Our stated position on Wilderness is as follows:

Colorado Off Highway Vehicle Coalition Wilderness Position

COHVCO fully supports the Wilderness concept as a means of preserving selected land in its natural state. However, COHVCO contends that the current level of 2.5 million acres of Wilderness in Colorado sufficiently represents the unique and outstanding mountain environments of the State. As such, COHVCO is generally opposed to the establishment of new mountain Wilderness areas in Colorado. COHVCO is specifically opposed to any Wilderness additions that preclude off highway vehicle use in areas that have a history of such use. COHVCO sees opportunities to extend its support to a few areas, including the canyon, desert and plains environments that are not yet represented by Wilderness in Colorado.

1989

2. COHVCO's position on the areas proposed for wilderness in S 1343 is as follows (Attachment #3):
    a) COHVCO opposes 7 of the areas identified in the Bill.
    b) COHVCO opposes 3 of the areas identified in the Bill, but will support the USFS, BLM or 1986 negotiated boundries for these areas.
    c) COHVCO questions the validity and need of 7 areas of the Bill, but neither supports or opposes these areas.
    d) COHVCO supports 2 of the areas identified in the Bill.

3. Off-Highway Vehicle (OHV) recreation is a valid type of recreation. This is supported by a recent Colorado State University Economic Impact Study that demonstrates expenditures of $489 Million per year by State residents only (Attachment #4). The Study indicates that 6% of the population, or 192,000 Coloradans, use OHV's.

    This is further supported by *The Lifestyle Market Analyst*, a recent study by Denver based National Demographics & Lifestyles (Attachment #4), which indicates that driving 4WD's/recreational vehicles and riding motorcycles rank 4th and 6th in terms of Coloradans' leisure activities. The full ranking is provided in my written testimony.

4. Established recreational uses have precidence over the designation of Wilderness, per the Wilderness Act of 1964. The proposed areas that COHVCO opposes, all have significant multiple use recreational trails or ways that have a history of OHV use.

5. The Sangre de Cristo Range is a prime example of an area that does not qualify for Wilderness Designation. The Rainbow Trail stretches from Salida to the Great Sand Dunes and appears on maps as early as 1931. I rode it for the first time in 1968 when I was 12 years old, and I continue to ride on it and the ancillary trails that stem from it nearly every year. By a reasonable man's standard, it cannot be said that this area is untouched by man. Bridges that span creeks and lean-to shelters are not natural occurances.

One of the major campgrounds servicing this area is Alvarado, located some 15 miles from Westliffe, is actually included in S 1343. Provisions for camp trailers is an obvious trait that disqualifies this area.

Extensive cherrystemming is required in S 1343 to avoid the Cloverdale Mine area, Hayden Pass, Medano Pass and Hermit Lake Road. And this still indicates blatant disregard for numerous trails and ways that have historical use and would be closed to OHV use.

The boundaries established by S 1343 create a significant management problem for the USFS. The proposed area reflects current USFS boundaries, which means that there is no provision for parking, trailheads and even general access for land managers. Common sense dictates that a buffer zone is required in all wilderness settings. The alternative is that the USFS try to buy land to provide for this burden.
The historical use of this area by OHV's, the extensive cherrystemming, numerous access roads and ways and the immense perimeter distance will make this area virtually unmanagable for the US Forest Service.

6. Because I grew up in Beulah, CO, I am quite familiar with the area near there. In the late 1960's and early 1970's I rode motorcycles over the Greenhorn Mtn. trail, as well as the Bartlett and Santana trails. These are challenging and seldom used trails over some beautiful and rugged terrain, but they were also open to OHV use until the mid-1970's.

Designating the Greeenhorn Mtn. area a wilderness is not justified. A major cherrystemming cut is required to accomodate a county road that comes within a few hundred yards of the summit of Greenhorn Mtn. In addition to a history of motorized use, the area also had timber harvesting in the 70's.

I sincerely question what in this area justifies it for wilderness status.

7. The third area that I have a major conflict with is the Fossil Ridge WSA. This area was not recommended by the USFS for wilderness designation, largely because of historical mining activity. It also has an excellent trail network that should remain open to OHV use. The entire Taylor Park Reservoir area is spectacular in beauty, well maintained by the Gunnison National Forest Ranger District and volunteer groups, and receives significant use by the OHV community.

8. Despite the fact that I am by no means an expert on Colorado Water Law, or the water issues raised by new Wilderness designation, this is a serious consideration. Both Senator Armstrong and Colorado Attorney General Woodard have expressed their concerns on this issue. I leave this issue to the Colorado Water Congress, Senator Armstrong, Attorney General Woodard and the others who are experts.

9. There have been many arguments for tourism as a result of wilderness. Studies have shown that the mass populations are not attracted to wilderness areas, and that indeed the user-days of wilderness areas is typically lower than it was prior to designation.

10. I questioned the economic impact of S 1343 on the rural communities near the proposed areas in a letter to Senator Wirth on July 28, 1989. It has yet to be answered. In reference to the economics of wilderness, well known conservationist Roderick Frazier Nash states, "The problem is that wilderness almost always loses in such figuring." It is uncommon for a backpacker to spend as much as people staying in hotels and eating in restaurants.

In closing, I want to reiterate that COHVCO wants to work collectively to solve the conflicts that cover all aspects of the wilderness issue:

- Water Rights
- Recreation, including OHV
- Economics

Thank you for your consideration, and please do not hesitate to call me if I can be of any assistance.

Dennis Larratt
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Testimony on the 1989 Colorado Wilderness Act of 1989
S-1343

Presented by

John Henderson
Chairman, Wilderness Subcommittee
Colorado Mining Association

Before the

Senate Public Lands Subcommittee
Senate Energy and Natural Resources Committee

October 28, 1989
Denver, Colorado

Mr. Chairman:

On behalf of the Colorado Mining Association, I am pleased to submit comments. This bill relates to the designation of up to 19 new proposed wilderness areas in the State of Colorado.

The Colorado Mining Association (CMA), established in 1876 and incorporated in 1897, is a trade association whose membership, numbering 130 companies and 1,200 individuals, is composed of both small and large enterprises engaged in the exploration for, production and refining of, metals, coal, oil shale and industrial minerals; firms that manufacture and distribute mining and mineral processing equipment and supplies; and other institutions serving the mineral industry.

The Colorado Mining Association speaks not only with the voice of its members, but with the voice of hundreds of individuals and large and small mining companies who are unable to stand the time and the expense to testify on this proposed legislation.

Our comments will reflect the declared policy of the Colorado Mining Association that it is imperative for the survival of our domestic minerals industry and our nation that those exploring for minerals be allowed the right to access to the public lands. This is particularly important in this case, since many of the areas proposed for wilderness designation appear to have a high to moderate potential for future discoveries of economic quantities of minerals. Many of thse areas are already the focus of significant mining activity including exploration, and past discoveries of minerals in areas with high mineral potential.

Colorado's mining industry continues to make a significant contribution to Colorado's economy. According to the Bureau of Mines, U.S. Department of the Interior, preliminary figures show that the value of nonfuel minerals produced in Colorado in 1988 was $374.9 million. Coal production was valued in excess of $300 million. Mining employment was estimated to be 5,100 in 1988, up from 4,900 in 1987, according to the Colorado Department of Labor and Employment. New gold projects account for most of the slight increase in nonfuel mining employment. It is important to note that more than 50% of the U.S. gold production is by two to three dozen companies of local, national, and international standing whose headquarters or major offices are in the Denver metropolitan area. These headquarter offices offer hundreds of additional jobs further helping to support Colorado's economy. A more detailed overview of Colorado is attached to this statement.

Preliminary Comments

The National Materials and Minerals Policy Research and Development Act of 1980, 30 U.S. Code 1601, states that the availability of materials is essential for national security, economic well-being, and industrial production. In line with this, it has been the policy of the Colorado Mining Association to encourage government agencies to assure maximum accessibility of the public lands to mineral exploration and development.

The stark reality of the situation is that few areas of the public lands have been thoroughly investigated. The United States Geological Survey has prepared extensive reports on a number of the areas indicating their high to moderate mining potential. Still, this is no substitute for actual exploration of these areas. We have reached a grim state of affairs indeed if potential wilderness areas are to be designated for the mere fact that they have high to moderate mineral potential. It is an unfortunate fact that a number of the areas proposed for wilderness designation have been so proposed for primarily political purposes; the areas are named because of their proximity to active producing mines or areas actively being explored or currently the subject of mineral claims.

The Colorado Mining Association challenges the implicit assumption that wilderness designation is the only way to "protect" various areas of the state of Colorado from "development". Many of these lands have been subject to multiple use management for many years, without any of the catastrophic adverse affects which are predicted unless wilderness designation is completed. The Colorado Mining Association also challenges the assumption that any form of economic activity on the public lands is some form of nameless evil. The systematic exploration of the public lands for valuable minerals is an economic necessity for this nation; it is further an economic necessity for those communities whose well-being is dependent upon a thriving and active natural resources industry including mining, timber harvest, ranching and recreation. Each area needs to be examined carefully based on its own merits, not in a climate of strong emotional bias. It is our hope that the Association and its members will be consulted with regard to their knowledge concerning the mineral environment of all proposed wilderness areas.

The Colorado Mining Association is opposed to the creation of a federal reserved water rights for all wilderness areas as proposed in S.1343. Attached is a water rights resolution adopted by the Colorado Mining Association which further details our position.

Buffalo Peaks, Sec. 101(1)

The Buffalo Peaks Wilderness Study Area appears to have significant mineral potential in a number of areas. There are a number of historic mining districts in the area, and drilling and exploration have been carried out by Noranda, Exxon, and a number of other operators. Drilling and exploration were primarily for uranium, base metals, and precious metals.

This area has been recommended as unsuitable for inclusion in the National Wilderness Preservation System by the Forest Service.

The Colorado Mining Association supports the recommendation of the Forest Service that Buffalo Peaks not be designated as a wilderness at this time.

Fossil Ridge, Sec. 101(4)

All indications are that the Fossil Ridge area has extremely high mineral potential; this area is very favorable for several types of mineral deposits. Widespread uranium anomalies exist in the area; large substantiated gold and silver potential exists throughout the Fossil Ridge Wilderness Study Area and the southeastern portion along Gold Creek and the northeastern section near Cross Mountain to Cameron Mountain. Gold silver, lead, zinc, and copper production has come from five major and many smaller mines in those areas.

The Forest Service has recommended that the Fossil Ridge Wilderness Study Area is unsuitable for inclusion in the National Wilderness Preservation System. The fact that 555,000 acres of wilderness in the Gunnison River Valley exists in the immediate vicinity makes it clear that no additional wilderness is needed in this area. There appear to be no biotic species needing the wilderness environment for survival, and no unique land forms or ecosystems. The Colorado Mining Association echoes the Forest Service recommendation that this area not be designated as wilderness.

Greenhorn Mountain, Sec. 101(5)

Moderate mineral potential exists in the northeast section. Tungsten mineralization is likely to be present in the Wilderness Study Area due to evidence of tungsten, plus barium and rare earth minerals in the area draining into South Apache Creek. Uranium and thorium occurrences to the south indicate that such occurrences are likely to extend northward into the wilderness study area.

The Forest Service has recommended this area as suitable for wilderness designation. The Colorado Mining Association believes that approximately 7,000 acres in the northeastern area of the proposed Wilderness Study Area should be omitted for consideration because of the high potential for minerals in the area.

South San Juan, Sec. 101(11)

The Colorado Mining Association is particularly concerned with the potential designation of the South San Juan Wilderness Study Area because active exploration, including claim staking and drilling, is taking place in the northwestern portion of the wilderness study area, particularly surrounding Montezuma Peak. Mineralization in districts surrounding the Wilderness Study Area is similar to that in the Wilderness Study Area, which has a great potential for further gold, lead, zinc, and silver discoveries. There appears to be a significant potential for large discoveries of buried porphry deposits of copper and/or gold. There further appears to be a geologic implication that oil and gas reserves may extend into the southern portion of the wilderness study area.

The Forest Service has recommended that this area is unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in strong agreement with the Forest Service that this entire area is unsuitable to be designated as wilderness.

Piedra, Sec. 301(1)

The Piedra Wilderness Study Area contains vein deposits favorable to uranium, silver, zinc, and lead. The potential for uranium mineralization in economic quantities, particularly, appears to be high.

The Forest Service has recommended that this area is suitable for wilderness designation. The Colorado Mining Association recommends the consideration of exclusion of those areas indicating the highest potential for vein deposits of uranium and other minerals.

Sangre de Cristo, Sec. 101(9)

The Sangre de Cristo Wilderness Study Area is comprised of 217,832 acres. This 70-mile long area encompasses an entire mountain range which holds identified mineral resources of gold, silver, tungsten, and copper. There appears to be high potential for these commodities, along with strong mineralization indicating the presence of molybdenum, lead, and iron around the edges of the proposed wilderness area. Anomalies are also evident in the area indicating the possible presence of cobalt, barium, zinc, uranium, and rare earths. All or part of 22 mining districts are in the Wilderness Study Areas. Many inactive mines and prospects exist. Approximately 294 patented mining claims are in the Wilderness Study Area, according to 1983 records. The inclusion of these highly mineralized areas in a potential wilderness is unacceptable to the Colorado Mining Association. The Forest Service has designated 191,700 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is philosophically opposed to designating an entire mountain range with a past history of mineral activity as wilderness.

The Association strongly recommends the exclusion of approximately 87,000 acres from the Wilderness Study Area.

Spanish Peaks, Sec. 101(12)

By all indications, there is a high possibility for economic mineralization in the very center of the Wilderness Study Area. The Bulls-Eye mine sits on the north side of west Spanish Peak in the heart of the Wilderness Study Area. Gold, silver, lead, zinc, and copper, once produced in the mine, still occur around the peak and in the streams draining from it. The area is periodically active with oil and gas lease applications.

This total area has been recommended as unsuitable by the United States Forest Service for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in accord with the Forest Service that this area is absolutely unsuitable for wilderness designation because of its high demonstrated mineral potential.

West Needle (includes Purgatory WSA), Sec. 101(15)

Numerous small mines in workings border, or are within the eastern boundary of the West Needle Wilderness Study Area. Information from these workings indicates minor lead, zinc, and gold values in the area, with moderate to high values of silver occurring in adjacent faults which may extend into the study area. The Elk Park Mine on the eastern edge of the boundary has a potentially large uranium deposit which projects laterally into the study area. Other companies, including Exxon Minerals, have drilled extensively at the mine in the near past.

Though the Forest Service has recommended 20,340 acres as being suitable for inclusion in the National Wilderness Preservation System, the Colorado Mining Association takes the position that this area is unsuitable for wilderness designation because of its high potential for economic mineral deposits.

Wheeler Geologic, Sec. 101(16)

The Wheeler Geologic area, one mile square, was withdrawn from mineral activity and set aside more than two decades ago. This has served as sort of a "geologic monument", because of unique volcanic formations in the area. The wilderness study area, however, encompasses about 21 square miles around the monument, an amount of ground which is absolutely unnecessary to achieve any degree of protection. The Colorado Mining Association is particularly concerned with the vast amount of acreage which is very near to the active producing properties near Creede.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. Existing management of the geologic area appears to be sufficient to protect these unique geologic formations. The designation of an additional 21 square miles of wilderness surrounding this area is unnecesssary. The Colorado Mining Association proposes that the Wheeler Geologic Formation continue to be managed as it has in the past, with no additional wilderness designations around the periphery.

Oh-Be-Joyful, Sec. 101(7)

The Oh-Be-Joyful Wilderness Study Area is particularly objectionable to the Colorado Mining Association as a potential wilderness area. The area has a high potential for deposits of molybdenum, silver, lead, and zinc as a result of extensive drilling and is directly adjacent to historic mining areas. This potential is particularly evident in the eastern and southern portions of the Wilderness Study Area. The Mount Emmons molybdenum deposit and the Red Well Basin deposit are adjacent to the southwestern corner, and another area of potential molybdenum mineralization is in the northwestern part of the study area. Numerous individuals hold mining claims throughout the Oh-Be-Joyful, and a good 4-wheel drive road runs through its center. The Bureau of Mines also reports that three inactive mines within the area produced precious and base metals.

The Forest Service has recommended in two separate studies that the entire area is unsuitable for inclusion in the National Wilderness Preservation System; the Colorado Mining Association concurs fully.

Spruce Creek, Sec. 101(13)

This area appears to have a low potential for mineral deposits. Rocks favorable for silver mineralization in the nearby Aspen mining district do not occur in this area. No anomalies appear to exist in stream sediments.

The Forest Service has recommended that 8,000 acres be included in the National Wilderness Preservation System. The Colorado Mining Association has no objection to inclusion of the Spruce Creek Wilderness Study Area in the National Wilderness Preservation System.

Big Blue - American Flats BLM Study, Sec. 101(18)

The American Flats Wilderness Study Area is directly adjacent to areas of historic exploration and production activities. The entire area has at least moderate potential, and perhaps high potential for mineral discoveries. Homestake Mining Company holds 39 mining claims and has drilled and built roads in the area. The company is still interested in the area.

The Colorado Mining Association opposes the designation of the American Flats area as a part of the National Wilderness Preservation System. Special care should be taken in designating any new wilderness areas in regions with such high indicated mineral potential and actual exploration activity.

Bill Hare Gulch & Larsen Creek

Further mineral studies are necessary for these areas.

A field investigation should be performed to determine presence or absence of mineral resources in these proposed wilderness areas. Finding Lake City type gold- and silver-bearing veins is a possibility in either of the two areas.

It is premature to designate these two small areas as wilderness.

Service Creek, Sec. 101(10)

Government studies appear to show no favorable conditions for the occurrence of economic mineral resources in this area. Although considerable mining activity has occurred north and south of the study area, the geology is different within the area.

The Forest Service has recommended 39,860 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association does not have any objection to the inclusion of this area in wilderness.

Cannibal Plateau & BLM Powderhorn Study Area, Sec. 101(2)

Many small mines and prospects north of the Powderhorn area were established to explore for base and precious metals. The area also contains the largest titanium and columbium proven reserves in the United States. Deposits of rare earths also appear to exist in this area. While the mineral potential of the area itself appears to be low in areas other than the southwest part of the area, the Colorado Mining Association is extremely concerned about the proximity of the highly productive Lake City Mining District.

The Forest Service has recommended 13,599 acres as suitable for wilderness. The Colorado Mining Association supports the exclusion in S.1343 of approximately seven square miles of territory in the southwest corner of the Cannibal Plateau Further Planning Area due to the high mineralization in the area.

Davis Peak, Sec. 101(3)

The rocks that underlay the Davis Peak Study Area have a very high potential to host economic deposits of gold, silver, lead, zinc, and copper. Geologically, this area appears to be quite similar to other areas in the world which contain significant mineral resources, particularly Canada and Australia. The mineral potential for the Davis Peak area is rated as being moderate to high for locatable minerals over 62% of the area. Because the remainder of the area is overlain by stream sediments, underlain by similar rocks, it would appear that the entire area must be considered to have high potential for locatable minerals.

The Forest Service has only recommended 8,1000 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association strongly opposes the

36,000 acre proposed wilderness acreage in S.1343 because of its high potential for future mineral discoveries and lack of significant scrutiny under the Rare II process.

Lost Creek, Sec. 101(6)

The mineral potential for this area appears to be low. Uranium appears to be the most prominent mineral noted in the area and has been mined in similar deposits west of the Further Planning Area. The Forest Service has recommended the entire area as being unsuitable for inclusion in the National Wilderness Preservation System. Wilderness characteristics in the area have been lowered by the fact that 19 miles of road exists, 600 acres of timber have been harvested, and by an electronic site in the area. The Colorado Mining Association agrees with the Forest Service that this area is unsuitable for wilderness designation.

St. Louis Peaks, Sec. 101(8)

Amax's Henderson Mine exists just southeast of the St. Louis Peaks area. A probable resource potential exists in this area for mineralization of a similar type and nature to the Henderson deposit. Moderate potential for silver, copper, lead, and zinc exist in the study area. Past mineral activities occur in the southeastern and northern portions of the area, and the numerous mines on the eastern side of the area appear to be where silver-lead-zinc occurrences had surface manifestations.

This area appears to be surrounded by non-forming uses which are incompatible with wilderness designation. There appear to be developments in the area for skiing, mining, and recreation, which are incompatible as well.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in full concurrence with the Forest Service that this area is unsuitable for inclusion in the National Wilderness Preservation System.

The Williams Fork, Sec. 101(17)

Known mineral occurrences exist in the northeastern portions of the Further Planning Area near Jones Pass where silver, lead, and zinc have been mined and uranium has been prospected. Workings are scattered throughout this section of the Further Planning Area. In addition, the Henderson Molybdenum Mine is located within the northeast section of the Further Planning Area. Substantiated and probable mineral resource potential is described for the southeastern part of the area in the United States Geological Survey Professional Paper 1300.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association regards this as another attempt to designate wilderness in the area of important historical mining activity which is essential to national defense and industrial needs. The Colorado Mining Association is in full concurrence that this area is unsuitable for wilderness designation.

Vasquez Peak, Sec. 101(8)

The Vasquez Peak Wilderness Study Area is within the Colorado Mineral Belt and part of the Daily Mining District and has numerous evidences of mineralization, especially along the eastern boundary. This area appears to be very favorable for mineral deposits, including high grade lead-zinc-silver, and possibly uranium.

The Silver Plume Granite Trend, which holds the important molybdenum ore body for the Henderson Mine and the Urad Mine, extends into the southern portion of the Wilderness Study Area. These major mines plus numerous smaller mines are located within a mile south of the Wilderness Study Area. Amax continues to conduct exploration in this area as do other companies. The probable mineral potential is described by the U.S. Geologic Survey Professional Paper 1300.

Though the Forest Service has recommended this area as suitable for inclusion in the National Wilderness Preservation System, the Colorado Mining Association is opposed to the designation of the Vasquez Peak Wilderness Study Area as a wilderness.

Weminche Contiguous, Whitehead Gulch & Needle Creek WSAs, Sec. 101 (14)

All three of these areas are in the Animas Mining District and contain silver-lead-zinc occurrences similar to those mined from around the proposed areas. Once again, we believe designation of these areas as wilderness is unsuitable given the past mining activity and the future potential for the area.

Closing Comments

In several instances, wilderness areas have been proposed based on motivations relating to the control of mining activity; this is unacceptable to the Colorado Mining Association. The Colorado Mining Association is of the hope that these motivations will be examined in earnest prior to the consideration of any of these areas for wilderness status.

The Colorado Mining Association appreciates the opportunity to comment on these proposed wilderness designations. The majority of these areas include regions with moderate to high potential for mineral discoveies, including some with substantial reserves and a past history of production. In the overall balance which is necessary in the uses to be made of the public lands, a non-use, such as wilderness, should not be given precedence over important, demonstrated resource values. A close analysis needs to be made of mineral activity in each of these areas, including the presence of patented and unpatented mining claims, exploration activity, past production, and the potential for the same.

Now that Colorado has 2.6 million acres of wilderness already in place, it is the position of the Colorado Mining Association that the pendulum must swing; we can no longer afford to designate high areas for additional wilderness when no analysis has been made of the potential economic impact on the communities affected, the state, individual companies and the nation as a whole. Basic rationality must find a place in the wilderness decision-making process.

The Colorado Mining Association requests that our comments be looked at closely in conjunction with those submitted by affected communities, the lumbermen, ranchers, individuals, and those who are dependent for their livelihood upon the accessibility of public lands of the United States, and specifically those of the State of Colorado.

**COLORADO
MINING
ASSOCIATION**

1340 Colorado State
Bank Building
1600 Broadway
Denver CO 80202
(303) 894-0536

COLORADO MINING OVERVIEW

THE COLORADO MINING ASSOCIATION

October 1989

The Colorado Mining Association (CMA), established in 1876 and incorporated in 1897, is a trade association whose membership, numbering 127 companies and 1,200 individuals, is composed of both small and large enterprises engaged in the exploration for, production and refining of, metals, coal, oil shale and industrial minerals; firms that manufacture and distribute mining and mineral processing equipment and supplies; and other institutions serving the mineral industry.

COLORADO'S MINERAL INDUSTRY

VALUE OF PRODUCTION

According to the Bureau of Mines, U.S. Department of the Interior, preliminary figures show that the value of nonfuel minerals produced in Colorado in 1988 was $374.9 million. Coal production was valued at approximately $300 million.

EMPLOYMENT

Mining employment was estimated to be 5,100 in 1988, up from 4,900 in 1987, according to the Colorado Department of Labor and Employment. New gold projects account for most of the slight increase in nonfuel mining employment.

GOLD

Between 1985 and 1988, the reopening of several old precious metal mines increased Colorado gold output 313%. In 1988, gold production in Colorado was an estimated 215,459 troy ounces. In repetition of its past glories, Denver again has become the gold capital of the United States. More than 50% of the U.S. gold production is by two to three dozen companies of local, national, and international standing whose headquarters or major offices are in, or moving to, the Denver metropolitan area. These firms have found in Denver the low-cost office space and mining support structure, such as research libraries, laboratories, and air transportation facilities required for efficient management of their businesses.

SILVER

Monthly production of pure silver from ores and concentrates by domestic refiners averaged 3.2 million troy ounces from January to September, 1988, according to the Silver Institute, Washington, DC. Silver production was down 16% from the monthly average of the previous five-year period. In 1988, 736 thousand troy ounces were produced in Colorado, an estimated 15% reduction in production from 1987. This was largely due to reduced output at the Sunnyside Mine near Silverton, and the Black Cloud Mine (ASARCO Incorporated) near Leadville.

MOLYBDENUM (MOLY)

Demand for molybdenum increased quietly during 1988, but prices were little affected. The average price for canned molybdic oxide during the final quarter of 1988 was about $3.45/lb.

AMAX's Henderson Mine, near Berthoud Pass, increased its production from an operating annual rate of 18 million pounds of oxide in concentrate early in the year to produce about 30 million pounds at year end. The mine has a production capacity of between 40 and 45 million pounds per year. Production from AMAX's Climax Mine near Leadville has been suspended since March 1987. Climax has indicated the mine could resume production on short notice should market conditions warrant.

COAL

Colorado's 1988 coal production was 15.7 million tons, up from 14.3 million tons produced in 1987, but under the record annual production of 19.3 million tons in 1981. The slight increase can be attributed to increased production of metallurgical coal and an increase in demand for for power generation as a result of the 1988 drought which reduced the availability of hydropower. At year's end, the Colorado Division of Mines listed 22 coal mines that produced during 1988. Employment at the end of 1988 was 2,186.

URANIUM

Employment in the domestic uranium industry has declined each year from the peak of 22,000 in 1979 to less than 2,000 workers today. In Colorado, there were approximately 153 uranium employees in 1988, only slightly greater than 139 in 1987, and still substantially lower than 325 in 1986 and 2,900 in 1980. Two new mines opened in 1988 in the state, bringing the total of mines to 24 and accounting for the 10 percent rise in uranium employees. The State's sole nuclear power plant will be shutdown before June 30, 1990, because of continuing technological problems since opening in 1976.

OIL SHALE

Today, development of oil shale is proceeding in Colorado, although at a much slower pace than in the early 1980's. Low petroleum prices have greatly affected the oil industry as a whole, and have discouraged further commercial project efforts by many companies with oil shale interests. However, there is no question that oil shale is a valuable energy resource. When economics permit, this domestic resource will once again be actively developed.

NONMETALLIC MINERALS (Cement, Clay, Gypsum, Perlite, Sand and Gravel, Stone, and Construction Materials)

Cement
Portland and masonry cement production and value decreased slightly in 1988. Crude gypsum production is estimated to have fallen 10% from that of 1987.

Dimension Stone
Dimension stone output rose an estimated 13%, and value 7%, over 1987 figures. Marble quarries in Chaffee and Gunnison Counties were coming into production to supply the rising demand by house buyers, monument carvers, and architects of large public buildings.

Construction Materials
Construction materials for the proposed new Denver airport, beltway E-470 (for which ground was broken on December 14, 1988), and other projects have been estimated at between 8 million and 12 million short tons of fine and coarse aggregates and portland cement.

CMA PUBLIC LANDS POLICY

CMA believes that the public lands should be managed for multiple-use to the greatest extent possible. The greatest threat to multiple-use management, including mineral exploration and development on the public lands, is the continued proliferation of the National Wilderness Preservation System. In Colorado, 2.5 million acres of national forest (18% of Colorado's national forest lands) are already in the Wilderness System.

Most national forest wilderness, including practically all forest lands under consideration for wilderness designation, lie within known mineral belts. Additional proposals for wilderness designation need to be subjected to a rigorous analysis of their true suitability for inclusion, and to compare the broader benefits of multiple-use management.

Public land management planning processes should recognize the unique nature of mineral resources and provide flexibility to assure mineral development wherever minerals are found. Changing markets, technology, and exploration methods make it clear that few, if any, areas have been explored thoroughly for their mineral potential.

m/u-5

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building, 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

RESOLUTION

CONCERNING
WATER RIGHTS FOR WILDERNESS AREAS

WHEREAS, Water is essential to the economic well-being and quality of life in Colorado; and

WHEREAS, A federal reserved water right for wilderness downstream from cities, farms, and industry could have a serious detrimental impact on the economy and quality of life in Colorado; and

WHEREAS, Congress has not heretofore expressly created federal reserved water rights for wilderness areas in Colorado and to grant such water rights without addressing the downstream water rights impacts, especially considering the vast downstream areas now under study for possible wilderness designation, would result in a legislative precedent which would be damaging to existing water rights and future water supply opportunities; and

WHEREAS, Colorado Senators Armstrong and Wirth appointed a non-partisan group, which included leaders of groups responsible for providing water for the future of Colorado, to negotiate water language for future wilderness legislation; and

WHEREAS, Those leaders of water providing groups drafted principles which provide for water rights for wilderness and water for Colorado's future economic well-being;

NOW THEREFORE BE IT RESOLVED

That we, the members of the Colorado Mining Association, strongly endorse the principles drafted by the leaders of Colorado's water providers which are summarized as follows:

- Future headwaters wilderness shall have a water right which will be adjudicated in state court with a priority date as of enactment of the bill.
- Legislation must provide a right of access to repair, maintain, and replace water facilities.
- There shall be no implied or expressed water right for downstream wilderness.
- Water rights, water projects, and water facilities in wilderness must be protected.
- Colorado must preserve its right to use and develop water to which it is entitled under interstate compacts and equitable apportionment decrees.
- Water may be withdrawn from wilderness in an emergency.
- Release of remaining Forest Service wilderness study areas.

Moved, seconded and unanimously adopted by the Board of Directors of the Colorado Mining Association this Twentieth Day of October, A.D., 1989.

James D. Edgerley, Chairman

Attest:
Shirley A. Hunter, Secretary
David R. Cole, President

m/u-8

TESTIMONY OF

MARK PEARSON

on

S. 1343

before the

SENATE PUBLIC LANDS SUBCOMMITTEE

OCTOBER 28, 1989

Good afternoon, Mr. Chairman, Senator Wirth, and members of the committee. My name is Mark Pearson. I live at 3285 C 1/2 Road, Palisade, Colorado 81526. I am testifying today on behalf of the Wilderness Committee of the Rocky Chapter of the Sierra Club.

We have heard today much fanfare about multiple use from single-use, special interests who would lock up the public lands with their particular form of extractive resource development. Miners moan about being "locked out" of wilderness, yet who is truly locked out of using the public resources by atrocities such as the Climax molybdenum pit or the legacy of poisoned watersheds left in the Uncompahgre and Arkansas River drainages by a previous generation of thoughtless resource extractors.

Logging companies bemoan the "decadent" timber stands left to Mother Nature's whims in wilderness, decrying this violation of multiple use. Yet what they really mean is that the public's resources have in good sense been set aside from the wanton destruction of forest ecosystems, watersheds, and wildlife habitat that so often accompanies resource extraction such as timber harvesting.

And perhaps the greatest villains among resource extractors on the public lands are the livestock grazers. Abuses of the public rangeland by livestock are commonly recognized as the single greatest source of resource destruction in America, befouling our public watersheds, exterminating native predator species, to produce a miniscule portion of America's agricultural output. Again, these single-use resource extractors claim a God-given right to exist on the public lands under the camoflage of multiple-use.

Not only have the resource extractors denuded our country's natural resources, they have done so at great expense to the American taxpayer. Americans have heavily subsidized miners by giving away our public minerals for the ridiculous fee of $2.50 per acre. Logging companies typically purchase timber from the U.S. Forest Service in Colorado for only 10 or 20 percent of the cost of preparing that timber for sale. Livestock operators receive absurdly cheap grazing privileges, at a fraction of private rangeland prices, and do not come close to paying for the costs of administering their allotments.

Despite single-use of America's resources, despite extensive subsidies from taxpayers, these resource extractors are back again with their hands in our pockets, once more claiming exclusive proprietorship of the public lands under the banner of "multiple-use".

Gentlemen, I have news for you. Your scams have been uncovered by an American public ever less willing to foot the bill for your unconscionable squandering of America's resources. Wilderness is the truest application of the concept of multiple use to our public lands. Wilderness protects watersheds of municipalities and irrigators. Wilderness provides a sanctuary for our country's great herds of big game animals and dwindling populations of great predators. Wilderness provides clean airsheds amidst ever decreasing air quality throughout this country. Wilderness gives man an escape from the often senseless bustle of modern civilization, a place where one must abandon the hectic rythms of the business world and return to a pace set by Mother Nature.

The issue embodied in Senator Wirth's wilderness legislation before us today is whether the subsidized, short-term, profiteering motives of the resource extractors should take precedence over a long-term vision of a healthy America.

Senator Wirth's legislation, while a good start, lacks key ingredients that would ensure protection for a representative slice of all of Colorado's threatened ecosystems.

Two dramatic landforms in western Colorado are the Grand Mesa and the Uncompaghre Plateau. Both are distinctive and unique among Colorado's forested lands. Unfortunately, there is not a single acre set aside in its natural condition for future generations on either the Grand Mesa or the Uncompahgre Plateau.

The Uncompahgre Plateau is home to some of Colorado's most stunning aspen forests and most diverse ecosystems. In particular, the Roubideau and Tabeguache drainages began high among the spruce and aspen forests along the spine of the Plateau, and then carve precipitous canyons as they diverge from a common starting point. Roubideau cuts north and east through multicolored sandstones and clays that underlie a stark desert, and finally reaches the Gunnison River near Delta. Tabeguache runs south and west to the San Miguel River, carving towering walls of Wingate sandstone that hem in ponderosa pine forests along the stream channel.

Both Roubideau and Tabeguache were recommended for wilderness protection in 1979 by the Forest Service. They unfortunately got lost amidst the wilderness shuffle as more spectacular and better known areas in the San Juans received wilderness designation. Now is the time for Congress to correct that oversight.

Similarly, the Grand Mesa, proudly touted by the city of Grand Junction as the "world's largest flat-topped mountain" has not a single acre of protected ground. The Kannah Creek drainage is the most appropriate candidate. Kannah Creek drains the western end of the mesa, dropping 5,000 feet from the forested rim to the Gunnison River desert. Kannah Creek forms the City of Grand Junction watershed, and as such is acutely sensitive to surface disturbing activities.

It is about time for action on Colorado wilderness. It has been almost ten long years since Coloradans last saw leadership to set aside our loved wildlands in a trust for future generations. I hope that we will finally see favorable action for wilderness in this or next year. But if the intransigence of Senator Armstrong is such that good legislation can not be passed, we will gladly await his political demise so that environmental progress can once again occur in this state.

Eugene F. DeMayo, O.D.
11684 Ranch Elsie Road
Golden, CO 80403
(303) 642-3117

October 28, 1989

Testimony at the United States Senate Energy Committee hearing on Colorado Wilderness, Denver, Colorado

Thank you Senator Wirth for allowing me the opportunity to speak in favor of your wilderness bill today. My name is Dr. Eugene DeMayo. I live in Coal Creek Canyon.

I am an environmentalist ; of course I want more Colorado wilderness. I am also a private businessperson ; I want more Colorado wilderness because wilderness is why outsiders still come visit Colorado and help our economy through tourism. I am an American ; wilderness in Colorado helps keep my country the best place in the world to live. I am a citizen of this planet Earth ; wilderness in Colorado will keep our planet livable.

The arguments in opposition to this bill include loss of water rights. It is obvious that these arguments are not sincere. There are no upstream water rights in the areas proposed for wilderness and therefore nothing to lose. Wilderness does not consume any significant amount of water, but actually stores it in a natural watershed. Downstream water users stand to gain cleaner and more reliable water supplies if these lands are protected as wilderness.

Other arguments against this bill come from the users of off-road vehicles. Certainly there is a place for this type of recreation. There also needs to be places where this type of intrusive recreation is not allowed. Most of the public lands in Colorado are open to off-road vehicle use. We need more wilderness to assure that there will always be some place to go where motorized vehicles will not disrupt the peace.

Being in the wilderness is an important experience for me. I don't have to go there very often. Something about being there feeds my spirit like nothing else can. John Muir said it this way. "Everybody needs beauty as well as bread, places to play in and pray in where Nature may heal and cheer and give strength to body and soul alike."

Thank you.

TESTIMONY OF MICHAEL F. BROWNING AT THE WILDERNESS HEARINGS HELD OCTOBER 28, 1989 IN DENVER, COLORADO

My name is Michael Browning. I grew up in Montana and have lived in Colorado for the last 12 years. I currently reside in Boulder and have also lived in Denver and Colorado Springs.

I am an attorney with a major Colorado law firm and specialize in the area of water rights. My clients have included numerous municipalities, water developers and other water users, both on the east and west slope. As a result, I am very familiar with the Colorado water rights system and the emotional and political storm which has been caused by the issue of Federal reserved water rights in wilderness areas. This is the area I would like to address today.

I strongly support Senator Wirth's headwaters wilderness bill. I believe it is a fair and sensible approach to the wilderness water rights issue. The critical point to keep in mind is that the bill only involves headwater wilderness areas. Because these areas all lie high in the watersheds, there are no water rights or water users above these headwater wilderness areas.

Senator Wirth has carefully excluded from the bill any areas which have water rights above them or offer any water development potential. As a result, there will simply be no injury to any existing Colorado water user as a result of Senator Wirth's carefully crafted bill.

Senator Wirth has been very sensitive to Colorado's desire to preserve its own system for adjudicating and administering water rights. The bill is careful to fully integrate wilderness water rights into the Colorado water rights system. The Secretary of Agriculture is expressly required by the bill to quantify in Colorado's own water courts the amount of the Federal reserved right. The wilderness water right will be adjudicated by a Colorado water judge in a Colorado water court using Colorado water procedures and with the opportunity for any Colorado water users to participate. In addition, the bill makes clear that the wilderness water right is junior to all existing Colorado water rights and will take its proper place in Colorado's appropriation system.

I believe that the headwaters wilderness bill will actually benefit water users in Colorado. Headwater wilderness areas are the nurseries where streams are born and grow. Every water user in Colorado relies upon these nurseries to provide the clean flowing streams from which they then divert their water rights. The wilderness areas will not consume one drop of this water. Rather, they will ensure that this water continues to flow in Colorado streams to the benefit of Colorado water users.

In sum, there is simple no legitimate water right objection to Senator Wirth's headwater wilderness bill. If and when downstream wilderness areas are proposed, there may be legitimate water concerns which will need to be resolved. This is because there may be water rights above these proposed wilderness areas and water development project above them which may be impaired. However, these issues should be addressed on a case by case basis when downstream wilderness areas are proposed. They do not need to be addressed at this time and Senator Wirth's bill expressly provides that passage of the headwater wilderness bill will not prejudice subsequent conversations on downstream wilderness areas.

Designation of additional headwater wilderness areas has been tied up by the clamor over federal reserved rights for long enough. It is time to untie the knot and move ahead on the bulk of the wilderness areas which lie in the headwaters and which raise no legitimate water rights concerns. The tougher problem of federal reserved rights in downstream wildernesses can and should be addressed on a case by case basis as these areas are proposed. Congress has enough problems without trying to solve problems that don't yet exist.

Polls in Colorado show that the overwhelming majority of Coloradans favor the creation of additional wilderness areas. I urge you to support Senator Wirth's bill and give Coloradans the headwater wilderness areas that they desire.

2

BOARD OF DIRECTORS
Colorado Snowmobile Association
Colorado Motorcycle Dealers Association
Rocky Mountain Enduro Circuit
Colorado Association of 4-Wheel Drive Clubs, Inc.
Rampart Range Motorcycle Management Committee

COHVCO
COLORADO OFF HIGHWAY VEHICLE COALITION
PROTECT YOUR OHV PRIVILEGE
P.O. Box 620523
Littleton, CO 80162

EX OFFICIO ADVISORS
U.S. Forest Service Rocky Mountain Region
Bureau of Land Management Colorado State Office
Colorado Division of Parks and Outdoor Recreation

Senator Wirth
United States Senate
Washington , D.C. 20510

Re:WILDERNESS LEGISLATION FOR COLORADO

Dear Senator Wirth,

As the past CHAIRMAN OF THE COLORADO STATE RECREATIONAL TRAILS COMMITTEE, I have worked with all types of users and have found that a balanced multiuse plan for public lands is the fairest approach. Your current proposal is not tuned to these multiuse needs.

Attached please find comment sheets on the areas your bill is addressing I hope your review of these concerns will add new direction to your efforts on wilderness!!!!!!!

Sincerely,

Jack Welch
Legislative Chairman
Colorado Snowmobile
Association

Co-Chairman Colorado
Off Highway Vehicle
Coalition
246 S. Holman Way
Golden Colorado 80401
279-8436

Note: The groups I represent number over 12,000 members

COHVCO Position on 1989 Colorado Wilderness Proposals

Area Descrip.	Position	Comments-Conflicts
American Flats WSA	Support BLM or WSA, Oppose Wirth	Wirth proposal includes Engineers Pass-4WD
Bill Hare Gulch & Larson Creek WSA	Support WSA or Wirth Proposal	Logical addition
Buffalo Peaks WSA	Support USFS, '86 Armstrong, Oppose Wirth '89	1986 Armstrong proposal best, then USFS, Wirth's provides conflicts on West side
Cannibal Plateau & Powderhorn Prim.	Support Powderhorn, not SW addition	Powderhorn is good, but the SW addition begs for management
Davis Peak FPA	Oppose FPA in whole	Removes significant # of trails
Fossil Ridge WSA	Adamantly oppose	Good trail system, plus mining
Greenhorn Mtn. WSA	Oppose WSA in whole	Greenhorn Road, many former OHV trails
Lost Creek FPA	Question need, no specific opposition	Will be management intensive
Oh-Be-Joyful WSA	Adamantly oppose	Heavy motorized use on Oh-Be-Joyful 4wd road
Piedra WSA	Reserve comment pending investig.	Lack information for quality comment
Vasquez WSA & St. Louis Peak FPA	Do not support either area	These areas are too close to a major ski area to be managable, as well as historical motorized and mining uses
Sangre de Cristo WSA	Adamantly oppose	The entire Sangre de Cristo range is unsuitable for wilderness due to historical motorized and mining use and extensive cherrystemming
Service Creek FPA	Adamantly oppose	This area is used extensively for snowmobiling, has many groomed trails not shown on map and a microwave tower in the proposed area
South San Juan WSA -Montezuma -V-Rock	Neither oppose or support, pending investigation	No significant motorized recreational conflicts have been identified, investigating why USFS did not recommend
Spanish Peaks WSA	Neither oppose or support, pending investigation	No significant motorized recreational conflicts have been identified, investigating why USFS did not recommend
Spruce Creek WSA	Support '89 Wirth Proposal	No problems identified, COHVCO will support '89 Wirth pos.
West Needle, Wem. Contig., Whitehead Gulch & Needle Creek WSA	Do not support, pending investig.	COHVCO is still investigating the area in the Northern most region of the proposal. No other major conflict
Wheeler Geologic WSA	Do not support pending investig.	The proposal affects a number of roads and trails. Historical use is being investigated.
Williams Fork FPA	Do not support pending investig.	No significant motorized recreational conflicts have been identified, investigating why USFS did not recommend

American Flats, Uncompahgre National Forest

The area encompassed in the BLM proposal is the best option in our opinion, while that in the WSA is acceptable to COHVCO. However, the latest Wirth proposal includes Engineer Pass Road, a popular 4WD road. As noted on page 169 of the BLM *Final Wilderness Study Areas*, November 1980, the area that includes Engineer Pass Road would not qualify.

> COHVCO WILL SUPPORT THE BLM OR WSA PROPOSAL, BUT OPPOSE THE WIRTH PROPOSAL.

Buffalo Peaks WSA, Pike National Forest

The area defined by the WSA and that in the 1986 Armstrong proposal are acceptable. However, we do question the Northeast boundary on the USFS proposal being so close to a major road, as it could create management problems. We therefore support the 1986 Armstrong area.

Senator Wirth's latest proposal includes added land on the Northwest, including road 119. There are also a number of access roads that lead right to the edge of the new proposal which could create management problems. We question what the additional land contributes and why it is recommended.

> COHVCO WILL SUPPORT THE 1986 ARMSTRONG OR USFS PROPOSAL, BUT OPPOSES THE WIRTH PROPOSAL.

Bill Hare Gulch and Larson Creek WSA, Uncompahgre National Forest

This area makes a logical addition to the Big Blue Wilderness.

> COHVCO WILL SUPPORT THIS AREA AS PROPOSED BY SENATOR WIRTH OR THE WSA.

Cannibal Plateau FPA, and Powderhorn Primative Area, Gunnison National Forest

This Powderhorn area has been managed for an extended time as a primitive area and will have little impact to motorized recreation. We anticipate many management problems with the extension to the Southwest corner of the area, as it runs parallel to an all-weather road and has four campgrounds on the border. Our work with the USFS indicates that this type of situation makes an area management intensive, and our land managers do not have adequate staffing or funding for this.

> COHVCO SUPPORTS THE POWDERHORN PRIMITIVE AREA, BUT DOES NOT RECOMMEND INCLUSION OF THE SOUTHWEST ADDITION. THE MOST WORKABLE OF THE SOUTHWEST ADDITIONS IS THE BLM RECOMMENDATION.

Davis Peak FPA, Routt National Forest

The proposed additions all encompass a significant number of trails in the North and West areas. The Timberline Trailriders motorcycle club has hosted a motorcycle competition in the Big Red Park area for 17 years. There is also significant timber activity in this general region. We are pursuing more definitive information on trails, mining, timber and grazing, to support our case.

> COHVCO OPPOSES THE ADDITION OF THE DAVIS PEAK FPA. WE ESPECIALLY QUESTION SENATOR WIRTH'S ADDITION OF SIGNIFICANT LAND BEYOND THE USFS RECOMMENDATION.

Fossil Ridge WSA, Gunnison National Forest

The land in this WSA has a long history of motorized recreational use, mining activity, and does not meet the criteria of a wilderness area. The Taylor Park area is heavily used by motorcycles, ATVs, 4WD and snowmobiles. There is potential for serious adverse impact on the economy of those Coloradans who live from the tourist trade in Taylor Park, Tin Cup and other small communities. The affected area includes South Lottis Creek, Summerville, Brush Creek, Henry Lake, Boulder Lake, Fossil Ridge and many unmarked trails. These trails are among the best marked and maintained in the state, and are a tribute to good management by the local USFS. The proximity to numerous campgrounds, with well established roads and trails leading into the proposed area would make this a management nightmare. What is the justification for disregarding the USFS recommendation of no designation?

> COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE FOSSIL RIDGE WSA!!

Greenhorn Mountain WSA, San Isabel National Forest

This area is punctuated by a well maintained county road that leads to within a few hundred yards of the summit of Greenhorn Mountain, and is nearly in the middle of proposed area. The Greenhorn trail leading up from Rye to near the summit was used for motorized travel until the WSA designation. A motorcycle competition was held with this trail as a part for years, as recently as 1972. Some timber cutting was also performed--USFS records should address this issue. Other trails that were also used for motorized recreation are the Santana and Bartlett.

There is very little that is unique about this area, and cherrystemming is required around the Greenhorn Road. Senator Wirth's proposal is not acceptable, as it fails to cherrystem the road, and the WSA is not justifiable.

> COHVCO OPPOSES THE ADDITION OF THE GREENHORN MOUNTAIN WSA.

Lost Creek FPA, Pike National Forest

The Ben Tyler trail is a popular hiking trail that begins on U.S. 285, and is in the East-Central part of the FPA. Because of the high use of this trail and the Southwest side having numerous unmarked trails and ways leading to or in the area, this area could require significant management. No motorized recreation is affected by Senator Wirth's proposal, while the FPA included road # 126 leading from Kenosha Pass to South Twin Cone Peak. The USFS did not recommend this area for designation.

COHVCO questions the uniqueness of this area, and the need for designation. It is especially ironic that this area is adjacent to the "Wilderness on Wheels" facility on U.S. 285, but people in wheelchairs won't be able to enter the wilderness.

> COHVCO QUESTIONS THE PROPOSAL, BUT DOES NOT HAVE SPECIFIC OPPOSITION TO IT.

Oh-Be-Joyful WSA, Gunnison National Forest

This is a seemingly meaningless addition to the Raggeds Wilderness. **It is highlighted by a heavily traveled 4WD road that leads to spectacular scenery. In summer, mountain bikes and 4WD's use the road and in the winter months, snowmobilers frequent the area.** There are also abandoned mines in the vicinity. Because the Raggeds Wilderness abuts the area, and the Maroon Bells-Snowmass Wilderness is just to the north, there is no reason to say that this area offers any unique addition to Colorado's wilderness. The fact that the USFS did not recommend the area for designation supports this contention.

> COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE OH-BE-JOYFUL WSA!!

Piedra WSA, San Juan National Forest

COHVCO currently has very limited information on this area, and is researching it further. We have no information on the areas added by Senator Wirth's proposal, and question why he expanded the USFS recommendation.

> COHVCO RESERVES COMMENT ON THIS AREA DUE TO LACK OF PERTINENT INFORMATION.

Vasquez WSA, Arapaho National Forest
St. Louis Peaks FPA, Arapaho National Forest

The Vasquez WSA is located directly to the West of the Winter Park-Mary Jane ski area, and is accessed by the Vasquez Creek Road. Due to the increasing popularity of mountain bikes and summer tourism in ski towns, this area will be a management intensive wilderness, if approved. **There are old mines at the end of the Vasquez Creek Road, as well as several ancillary trails that do not show on the map.** This area is not well signed, and as such is still used for motorized recreation, despite WSA status. COHVCO asks a question of technicality: Does the Vasquez Tunnel affect the proposed status, and if not, might it ever need mechanized maintenance?

> COHVCO DOES NOT SUPPORT THE VASQUEZ WSA OR THE ST. LOUIS PEAKS FPA, PENDING FURTHER INVESTIGATION.

Sangre de Cristo WSA, San Isabel & Rio Grande National Forests

The Sangre de Cristo range affords unique beauty. Beyond that, it does not qualify for wilderness status. COHVCO has verified a history of motorized recreation dating back at least 30 years. The recreational backbone of the Sangre de Cristos is the Rainbow Trail, which is excluded from the proposal in some areas and included in other areas. This trail has manmade bridges, lean-to shelters and is well maintained for multiple use, including motorcycles, ATVs, mountain bikes, horses, hiking and snowmobiling. It supports a wide range of single track trails and 4WD roads into the higher elevations. The number of affected trails are too numerous to list, but are clearly identified as open to motorized use in the USFS San Isabel Travel Map of 1980. Also included in Senator Wirth's proposal is the Alvarado Campground that has 44 campsites, drinking water, and supports 16' camp trailers! This is not wilderness material!

The proposed wilderness area would have an adverse economic impact on small communities in Alamosa, Chaffee, Custer, Fremont, Huerfano, Saguache Counties, many of which rely on tourist trade for economic survival.

The extensive cherrystemming and complete discontinuities in the proposal make this a totally unmanageable area. The amount of signing alone makes it impracticable.

There are numerous mining claims throughout the region which detract from the pristine nature of a wilderness.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE SANGRE de CRISTO WSA!!

Service Creek FPA, Routt National Forest

The proposed area is a frequent snowmobiling area with many access points from U.S. 40. Several marked, but unnamed trails from Buffalo Park to Gore Pass are groomed snowmobile trails throughout the winter. Mr. Loren Graham of Steamboat Springs has operated commercial snowmobile tours in this area for the past several years. And finally, a large microwave tower is located in the proposed area.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE SERVICE CREEK FPA!!

South San Juan WSA, San Juan National Forest

COHVCO has not noted any significant motorized recreation conflicts with this area. It is currently investigating the reasons for the USFS not recommending the areas for wilderness designation.

COHVCO IS NEITHER SUPPORTING OR OPPOSING THIS AREA, PENDING FURTHER INVESTIGATION.

Spanish Peaks WSA, San Isabel National Forest

COHVCO has not noted any significant motorized recreation conflicts with this area. It is currently investigating the reasons for the USFS not recommending the area for wilderness designation.

COHVCO IS NEITHER SUPPORTING OR OPPOSING THIS AREA, PENDING FURTHER INVESTIGATION.

Spruce Creek Addition WSA, White River National Forest

COHVCO has not identified a significant problem with Senator Wirth's latest proposal, while the 1986 Armstrong proposal and the USFS recommendation both sever a section of road 526.

COHVCO WILL SUPPORT THE 1989 WIRTH PROPOSAL.

West Needle, Weminuche Contiguous, Purgatory Flats, Whitehead Gulch and Needle Creek WSA, San Juan National Forest

With the exception of a trail from the Purgatory Campground to Teft Spur on the Animas River, the areas encompassed by this proposal do not pose significant negative impact on motorized recreation. COHVCO is still investigating the area in the Northern most region for possible conflicts.

COHVCO DOES NOT SUPPORT THESE WSA's, PENDING FURTHER INVESTIGATION.

Wheeler Geologic Study Area, Rio Grande National Forest

COHVCO is investigating this area further. Our initial comment is that all motorized access to the Study Area will be severed, which could have possible adverse affects on the usefulness of the area, and effectively block access to the elderly and handicapped. The roads which are affected are #'s 600; 784, 787, 789, 790, 801 and 871.

COHVCO DOES NOT SUPPORT THE WHEELER GEOLOGIC WSA, PENDING FURTHER INVESTIGATION.

Williams Fork FPA, Arapaho National Forest

COHVCO has not identified a major motorized recreational conflict with this area. We are investigating the reasons for the USFS not recommending it for designation. The cherrystemming on the South Fork of Williams Road and being adjacent to Interstate 70 appear to be less than ideal.

COHVCO IS NEITHER SUPPORTING OR OPPOSING THIS AREA, PENDING FURTHER INVESTIGATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area DAVIS PEAK FPA
County JACKSON
Name [redacted] JACK [redacted] Welch
Organization COLO OFF HIGHWAY VEHICLE COALITION
Phone Number (H) (303) [redacted] 274-8436
(W) (303) [redacted] 480-5270
Address P.O. Box 620523
City and Zip LITTLETON, CO 80162

For Office Use:
Date
Staff Contact
Code Number

Type of Conflict(s) (please check)

- ☐ Dams and Reservoirs
- ☐ Ditches and Headgates
- ☐ Water Rights
- ☐ Watershed Management
- ☐ Hydroelectric Development
- ☐ Power Line Corridor
- ☐ Roads and Ways
- ☐ Avalanche Control
- ☐ Fire Control
- ☐ Game Habitat Management
- ☐ Scientific Study and Snow Measurement
- ☐ Insect and Disease Control
- ☐ Cabins, Ranches, and Camps
- ☒ Jeep, Bike, and Ski Mobile Trails
- ☒ Recreation
- ☐ Ski Area
- ☐ Mineral Exploration
- ☐ Mining Claims or Patents
- ☐ Oil and Gas Leases
- ☐ State Owned Land and Minerals
- ☐ Local Firewood Needs
- ☒ Timber Harvest (past and planned)
- ☐ Livestock Grazing

OTHER

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible)

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, an additional documentation):

Davis Peak FPA, Routt National Forest

The proposed additions all encompass a significant number of trails in the North and West areas. The Timberline Trailriders motorcycle club has hosted a motorcycle competition in the Big Red Park area for 17 years. There is also significant timber activity in this general region. We are pursuing more definitive information on trails, mining, timber and grazing, to support our case.

> COHVCO OPPOSES THE ADDITION OF THE DAVIS PEAK FPA. WE ESPECIALLY QUESTION SENATOR WIRTH'S ADDITION OF SIGNIFICANT LAND BEYOND THE USFS RECOMMENDATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area *Fosil Ridge WSA*

County ______

Name *Jack Welch*

Organization *Colo Off Highway Vehicle Coalition*

Phone Number (H) *(303) 2798436*

(W) *(303)* [redacted] *480-5270*

Address *PO Box 620523*

City and Zip *Littleton, CO 80162*

For Office Use:

Date ______

Staff Contact ______

Code Number ______

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
___ Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement
___ Insect and Disease Control
___ Cabins, Ranches, and Camps
_X_ Jeep, Bike, and Ski Mobile Trails
_X_ Recreation
___ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER ______

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ______

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, or additional documentation):

Fossil Ridge WSA, Gunnison National Forest

The land in this WSA has a long history of motorized recreational use, mining activity, and does not meet the criteria of a wilderness area. The Taylor Park area is heavily used by motorcycles, ATVs, 4WD and snowmobiles. There is potential for serious adverse impact on the economy of those Coloradans who live from the tourist trade in Taylor Park, Tin Cup and other small communities. The affected area includes South Lottis Creek, Summerville, Brush Creek, Henry Lake, Boulder Lake, Fossil Ridge and many unmarked trails. These trails are among the best marked and maintained in the state, and are a tribute to good management by the local USFS. The proximity to numerous campgrounds, with well established roads and trails leading into the proposed area would make this a management nightmare. What is the justification for disregarding the USFS recommendation of no designation?

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE FOSSIL RIDGE WSA.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area GREENHORN MTN WSA
County ____________

Name JA[redacted] Welch
Organization COLO OFF HIGHWAY VEHICLE COALITION
Phone Number (H) (303) [redacted] 279-8436
(W) (303) [redacted] 480-5270
Address PO BOX 620523
City and Zip LITTLETON, CO 80162

For Office Use:
Date ____________
Staff Contact ____________
Code Number ____________

Type of Conflict(s) (please check)

☐ Dams and Reservoirs
☐ Ditches and Headgates
☐ Water Rights
☐ Watershed Management
☐ Hydroelectric Development
☐ Power Line Corridor
☒ Roads and Ways
☐ Avalanche Control
☐ Fire Control
☐ Game Habitat Management
☐ Scientific Study and Snow Measurement

☐ Insect and Disease Control
☐ Cabins, Ranches, and Camps
☒ Jeep, Bike, and Ski Mobile Trails
☒ Recreation
☐ Ski Area
☐ Mineral Exploration
☐ Mining Claims or Patents
☐ Oil and Gas Leases
☐ State Owned Land and Minerals
☐ Local Firewood Needs
☐ Timber Harvest (past and planned)
☐ Livestock Grazing

OTHER ____________

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ____________

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, ar additional documentation):

Greenhorn Mountain WSA, San Isabel National Forest

This area is punctuated by a well maintained county road that leads to within a few hundred yards of the summit of Greenhorn Mountain, and is nearly in the middle of proposed area. The Greenhorn trail leading up from Rye to near the summit was used for motorized travel until the WSA designation. A motorcycle competition was held with this trail as a part for years, as recently as 1972. Some timber cutting was also performed--USFS records should address this issue. Other trails that were also used for motorized recreation are the Santana and Bartlett.

There is very little that is unique about this area, and cherrystemming is required around the Greenhorn Road. Senator Wirth's proposal is not acceptable, as it fails to cherrystem the road, and the WSA is not justifiable.

COHVCC OPPOSES THE ADDITION OF THE GREENHORN MOUNTAIN WSA.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area OH-BE-JOYFUL WSA
County ____________

Name J. Ac~~k~~ Welch
Organization COLO OFF HIGHWAY VEHICLE COALITION
Phone Number (H) (303) [illegible] 79-8436
(W) (303) ~~[illegible]-574~~ 480-5270
Address P.O. BOX 620523
City and Zip LITTLETON, CO 80162

For Office Use:
Date ____________
Staff Contact ____________
Code Number ____________

Type of Conflict(s) (please check)

- ☐ Dams and Reservoirs
- ☐ Ditches and Headgates
- ☐ Water Rights
- ☐ Watershed Management
- ☐ Hydroelectric Development
- ☐ Power Line Corridor
- ☐ Roads and Ways
- ☐ Avalanche Control
- ☐ Fire Control
- ☐ Game Habitat Management
- ☐ Scientific Study and Snow Measurement
- ☐ Insect and Disease Control
- ☐ Cabins, Ranches, and Camps
- ☒ Jeep, Bike, and Ski Mobile Trails
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- ☐ Ski Area
- ☐ Mineral Exploration
- ☐ Mining Claims or Patents
- ☐ Oil and Gas Leases
- ☐ State Owned Land and Minerals
- ☐ Local Firewood Needs
- ☐ Timber Harvest (past and planned)
- ☐ Livestock Grazing

OTHER ____________

Location of Conflict(s, (Township, Range, Section, Quarter Section or Other Legal Description, if possible, ____________

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, an additional documentation):

Oh-Be-Joyful WSA, Gunnison National Forest

This is a seemingly meaningless addition to the Raggeds Wilderness. It is highlighted by a heavily traveled 4WD road that leads to spectacular scenery. In summer, mountain bikes and 4WD's use the road and in the winter months, snowmobilers frequent the area. There are also abandoned mines in the vicinity. Because the Raggeds Wilderness abuts the area, and the Maroon Bells-Snowmass Wilderness is just to the north, there is no reason to say that this area offers any unique addition to Colorado's wilderness. The fact that the USFS did not recommend the area for designation supports this contention.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE OH-BE-JOYFUL WSA!

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area VASQUEZ FPA **County** ________

Name [redacted] JAcK WelCh

Organization COLO. OFF HIGHWAY VEHICLE COALITION

Phone Number (H) (303) [redacted] 279-8436
(W) (303) [redacted] 980-5270

Address PO BOX 620523

City and Zip LITTLETON, CO 80162

For Office Use:
Date ________
Staff Contact ________
Code Number ________

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
___ Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement
___ Insect and Disease Control
___ Cabins, Ranches, and Camps
_X_ Jeep, Bike, and Ski Mobile Trails
_X_ Recreation
_X_ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER ________

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ________

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, ar additional documentation):

Vasquez WSA, Arapaho National Forest
[illegible]

The Vasquez WSA is located directly to the West of the Winter Park-Mary Jane ski area, and is accessed by the Vasquez Creek Road. Due to the increasing popularity of mountain bikes and summer tourism in ski towns, this area will be a management intensive wilderness, if approved. There are old mines at the end of the Vasquez Creek Road as well as several ancillary trails that do not show on the map. This area is not well signed, and as such is still used for motorized recreation, despite WSA status. COHVCO asks a question of technicality: Does the Vasquez Tunnel affect the proposed status, and if not, might it ever need mechanized maintenance?

COHVCO DOES NOT SUPPORT THE VASQUEZ WSA OR THE ST. LOUIS PEAKS FPA, PENDING FURTHER INVESTIGATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area Vasquez EPA **County** ____

Name [redacted] JACK Welch

Organization Colo. Off Highway Vehicle Coalition

Phone Number (H) (303) [redacted] 279-3436

(W) (303) [redacted] 780-5270

Address PO Box 620523

City and Zip Littleton, CO 80162

For Office Use:
Date ____
Staff Contact ____
Code Number ____

Type of Conflict(s) (please check)

- ☐ Dams and Reservoirs
- ☐ Ditches and Headgates
- ☐ Water Rights
- ☐ Watershed Management
- ☐ Hydroelectric Development
- ☐ Power Line Corridor
- ☐ Roads and Ways
- ☐ Avalanche Control
- ☐ Fire Control
- ☐ Game Habitat Management
- ☐ Scientific Study and Snow Measurement
- ☐ Insect and Disease Control
- ☐ Cabins, Ranches, and Camps
- ☒ Jeep, Bike, and Ski Mobile Trails
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- ☒ Ski Area
- ☐ Mineral Exploration
- ☐ Mining Claims or Patents
- ☐ Oil and Gas Leases
- ☐ State Owned Land and Minerals
- ☐ Local Firewood Needs
- ☐ Timber Harvest (past and planned)
- ☐ Livestock Grazing

OTHER ____

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ____

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, and additional documentation):

Sangre de Cristo WSA, San Isabel & Rio Grande National Forests

The Sangre de Cristo range affords unique beauty. Beyond that, it does not qualify for wilderness status. COHVCO has verified a history of motorized recreation dating back at least 30 years. The recreational backbone of the Sangre de Cristos is the Rainbow Trail, which is excluded from the proposal in some areas and included in other areas. This trail has manmade bridges, lean-to shelters and is well maintained for multiple use, including motorcycles, ATVs, mountain bikes, horses, hiking and snowmobiling. It supports a wide range of single track trails and 4WD roads into the higher elevations. The number of affected trails are too numerous to list, but are clearly identified as open to motorized use in the USFS San Isabel Travel Map of 1980. Also included in Senator Wirth's proposal is the Alvarado Campground that has 44 campsites, drinking water, and supports 16' camp trailers! This is not wilderness material!

The proposed wilderness area would have an adverse economic impact on small communities in Alamosa, Chatfee, Custer, Fremont, Huerfano, Sagauche Counties, many of which rely on tourist trade for economic survival.

The extensive cherrystemming and complete discontinuities in the proposal make this a totally unmanageable area. The amount of signing alone makes it impracticable.

There are numerous mining claims throughout the region which detract from the pristine nature of a wilderness.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE SANGRE de CRISTO WSA!!

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area Wheeler Geologic WSA
County ______

Name [redacted] Jack Welch
Organization Colo Off Highway Vehicle Coalition
Phone Number (H) (303) [redacted] 279-8436
(W) (303) [redacted] 480-5270
Address P.O. Box 620523
City and Zip Littleton, CO 80162

For Office Use:
Date ______
Staff Contact ______
Code Number ______

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
___ Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement

___ Insect and Disease Control
___ Cabins, Ranches, and Camps
_X_ Jeep, Bike, and Ski Mobile Trails
_X_ Recreation
___ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER ______

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ______

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, and additional documentation):

Wheeler Geologic Study Area, Rio Grande National Forest

COHVCO is investigating this area further. Our initial comment is that all motorized access to the Study Area will be severed, which could have possible adverse affects on the usefulness of the area, and effectively block access to the elderly and handicapped. The roads which are affected are #'s 600; 784, 787, 789, 790, 801 and 871.

> COHVCO DOES NOT SUPPORT THE WHEELER GEOLOGIC WSA, PENDING FURTHER INVESTIGATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area WILLIAMS FORK EPA
County ___

Name [redacted] JACK Welch
Organization COLO OFF HIGHWAY VEHICLE COALITION
Phone Number (H) (303) 279-8436
(W) (303) [redacted] 480-5270
Address PO BOX 620523
City and Zip LITTLETON, CO 80162

For Office Use:
Date ___
Staff Contact ___
Code Number ___

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
___ Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement

___ Insect and Disease Control
___ Cabins, Ranches, and Camps
X Jeep, Bike, and Ski Mobile Trails
X Recreation
___ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER INVESTIGATING WHY USFS RECOMMENDED AGAINST DESIGNATION

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ___

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, and additional documentation):

Williams Fork FPA, Arapaho National Forest

COHVCO has not identified a major motorized recreational conflict with this area. We are investigating the reasons for the USFS not recommending it for designation. The cherrystemming on the South Fork of Williams Road and being adjacent to Interstate 70 appear to be less than ideal.

> COHVCO IS NEITHER SUPPORTING OR OPPOSING THIS AREA, PENDING FURTHER INVESTIGATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area WestNeedle, Weminuche Contiguous, Whitehead Gulch & Needle Creek WSA
County ____________

Name [redacted] [redacted] JACK Welch
Organization Colorado Off Highway Vehicle Coalition
Phone Number (H) (303) [redacted] 274-8436
(W) (303) [redacted] 480-5270
Address PO Box 620523
City and Zip Littleton CO 80162

For Office Use:
Date ____________
Staff Contact ____________
Code Number ____________

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
X Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement

___ Insect and Disease Control
___ Cabins, Ranches, and Camps
X Jeep, Bike, and Ski Mobile Trails
X Recreation
___ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER ____________

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ____________

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, a additional documentation):

West Needle, Weminuche Contiguous, Purgatory Flats, Whitehead Gulch and Needle Creek WSA, San Juan National Forest

With the exception of a trail from the Purgatory Campground to Teft Spur on the Animas River, the areas encompassed by this proposal do not pose significant negative impact on motorized recreation. COHVCO is still investigating the area in the Northern most region for possible conflicts.

However, the discontinuity created by leaving the Animas River corridor open can be a significant management and signing problem.

- COHVCO DOES NOT SUPPORT THESE WSA's, PENDING FURTHER INVESTIGATION.

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area SERVICE CREEK FPA
County ______________
Name [redacted] JAcK Welch
For Office Use:
Date ______________
Organization COLO OFF HIGHWAY VEHICLE COALITION
Staff Contact ______________
Phone Number (H) (303) [redacted] 480-5270
(W) (303) [redacted] 279-8436
Code Number ______________
Address PO BOX 620523
City and Zip LITTLETON, CO 80162

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
___ Hydroelectric Development
___ Power Line Corridor
___ Roads and Ways
___ Avalanche Control
___ Fire Control
___ Game Habitat Management
___ Scientific Study and Snow Measurement

___ Insect and Disease Control
___ Cabins, Ranches, and Camps
X Jeep, Bike, and Ski Mobile Trails
X Recreation
/ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER ______________

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ______________

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, and additional documentation):

Service Creek FPA, Routt National Forest

The proposed area is a frequent snowmobiling area with many access points from U.S. 40. Several marked, but unnamed trails from Buffalo Park to Gore Pass are groomed snowmobile trails throughout the winter. Mr. Loren Graham of Steamboat Springs has operated commercial snowmobile tours in this area for the past several years. And finally, a large microwave tower is located in the proposed area.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE SERVICE CREEK FPA!!

Wilderness Designation Concerns

Dear Coloradan:

While I strongly support the designation of additional wilderness, I am determined to avoid actions which, in effect, constitute a federal taking of private property or rights. The purpose of this form is to provide a means for you to express any conflicts or concerns you have with proposed wilderness areas. Your input is essential. Please return this to me at U.S. Senate, Washington, D.C. 20510.

Bill Armstrong

Wilderness Area Sangre de Cristo (All Areas)
County ______

Name [redacted] JACK Welch
Organization Colo Off Highway Vehicle Coalition
Phone Number (H) (303) [redacted] 480-5270
(W) (303) [redacted] 279-8436
Address PO Box 620523
City and Zip Littleton, CO 80162

For Office Use:
Date ______
Staff Contact ______
Code Number ______

Type of Conflict(s) (please check)

___ Dams and Reservoirs
___ Ditches and Headgates
___ Water Rights
___ Watershed Management
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___ Power Line Corridor
_X_ Roads and Ways
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___ Insect and Disease Control
___ Cabins, Ranches, and Camps
_X_ Jeep, Bike, and Ski Mobile Trails
_X_ Recreation
___ Ski Area
___ Mineral Exploration
___ Mining Claims or Patents
___ Oil and Gas Leases
___ State Owned Land and Minerals
___ Local Firewood Needs
___ Timber Harvest (past and planned)
___ Livestock Grazing

OTHER MANAGEMENT INTENSIVE BECAUSE OF CHERRYSTEMMING

Location of Conflict(s) (Township, Range, Section, Quarter Section or Other Legal Description, if possible) ______

Description of Conflict(s) (please use the reverse of this form to describe conflict(s) and if available, attach any photographs, maps, a additional documentation):

Sangre de Cristo WSA, San Isabel & Rio Grande National Forests

The Sangre de Cristo range affords unique beauty. Beyond that, it does not qualify for wilderness status. COHVCO has verified a history of motorized recreation dating back at least 30 years. The recreational backbone of the Sangre de Cristos is the Rainbow Trail, which is excluded from the proposal in some areas and included in other areas. This trail has manmade bridges, lean-to shelters and is well maintained for multiple use, including motorcycles, ATVs, mountain bikes, horses, hiking and snowmobiling. It supports a wide range of single track trails and 4WD roads into the higher elevations. The number of affected trails are too numerous to list, but are clearly identified as open to motorized use in the USFS San Isabel Travel Map of 1980. Also included in Senator Wirth's proposal is the Alvarado Campground that has 44 campsites, drinking water, and supports 16' camp trailers! This is not wilderness material!

The proposed wilderness area would have an adverse economic impact on small communities in Alamosa, Chaffee, Custer, Fremont, Huerfano, Sagauche Counties, many of which rely on tourist trade for economic survival.

The extensive cherrystemming and complete discontinuities in the proposal make this a totally unmanageable area. The amount of signing alone makes it impracticable.

There are numerous mining claims throughout the region which detract from the pristine nature of a wilderness.

COHVCO ADAMANTLY OPPOSES THE ADDITION OF THE SANGRE de CRISTO WSA!!

Welch

Woodard assails Wirth's wilderness bill

By Mark Obmascik
Denver Post Environment Writer

Colorado Attorney General Duane Woodard, the state's chief lawyer, yesterday assailed a plan by Sen. Tim Wirth to protect 750,000 acres of Colorado's high country as wilderness.

Woodard said a bill sponsored by Wirth, a fellow Democrat, would strip too much power from state government and potentially give too much water to wilderness areas.

"Under this bill, Congress would override a Colorado water rights system by creating a federal water right for the purpose of protecting all the flows through a wilderness area," Woodard said.

Instead, Woodard said, the federal government should be forced to get an "instream flow" water right from the Colorado Water Conservation Board. That board only tends to award pristine areas enough water to maintain trout populations, but not enough to ensure the occurrence of naturally present waterfalls.

"I believe fish flows are very ample and adequate for wilderness areas," Woodard said. Granting pristine areas more water, Woodard said, would make it tougher to build dams upstream for farm irrigation or city water supply reservoirs.

Environmentalists denounced Woodard's position.

"His idea is ridiculous," said Darrell Knuffke of the Wilderness Society. "There are other values in wilderness besides fish, such as scenery and wetlands. Fish flows don't protect waterfalls."

Woodard has sided with the state's water developers in several environmental conflicts. His office so far has spent $68,000 fighting a federal court ruling that found wilderness areas have a right to water flowing through their borders. His office also has spent more than $1.2 million of state taxpayers' money fighting the federal government in a case to ensure silt-flushing river flows in U.S. Forest Service property.

Jim Martin, who directs Wirth's Colorado congressional offices, said the senator wouldn't comment on Woodard's position. But the public opposition of another statewide elected official to Wirth's wilderness bill won't help its chances of winning approval in Congress.

Wirth's bill already is opposed by Republican Sen. Bill Armstrong. Gov. Roy Romer refused yesterday to endorse or denounce Wirth's plan, which will be the subject of public meetings this month in Glenwood Springs and Denver.

RMN 9-2-87

Adding wilderness called threat

Coalition blasts 'locking up' land

By DEBORAH FRAZIER
Rocky Mountain News Staff Writer

Public lands were created to serve many needs, not to benefit a select few, and adding wilderness acreage in Colorado could threaten the state's future, a new coalition said yesterday.

"The citizens of Colorado need to know that the future economic development of Colorado may be at risk and they need to know what the impact of locking up more public land into wilderness will be," said Buford Rice, chairman of the Colorado Public Lands Multiple-Use Coalition.

The coalition included logging, mining, grazing, water developers and recreational vehicle interests. Rice, manager of the Colorado Farm Bureau, said the group's focus was a wilderness proposal from Sen. Tim Wirth, D-Colo.

"The coalition supports additional wilderness only to the extent it does not interfere with property rights or remove from multiple-use public lands which are better suited for industry, grazing, recreation, water, timber, energy and mineral production," he said.

Wirth's bill would add 750,000 acres in 18 wilderness areas to the 2.6 million acres in Colorado already protected from development by the wilderness designation. Wirth wasn't available yesterday for comment on the coalition.

Rice said although Wirth's proposal encompassed high altitude, "headwater" areas where the federal government's reserve water rights won't be a problem, the bill would set a bad precedent by implying such water rights.

"The issue of water rights for future downstream wilderness areas must be settled," said Lee Harris, representing the Colorado River Water Conservation District and the Colorado Water Congress.

As an example, he cited the Juniper-Cross Mountain area on the Yampa River near Craig — which isn't included in Wirth's wilderness proposal. Harris said wilderness designation there would impede water development on the river.

The convoluted wilderness water rights issue has stalled designation of new areas in the state for several years. A panel, including several coalition members and environmentalists, failed to resolve the issue.

Commentary

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Daily Sentinel editorials

Woodard enters the water wilderness

Colorado Attorney General Duane Woodard last week added his voice to the chorus of concerns regarding federal reserved water rights language in wilderness legislation proposed by Sen. Tim Wirth. Woodard said that the water rights provision in Wirth's bill would make it tougher to build dams upstream for farm irrigation or city water reservoirs.

Woodard's misgivings are significant in that he, like Wirth, is an environmentally minded Democrat and not — as the Democratic party line would have it — a rape-ruin-and-plunder Republican.

As Coloradans familiar with this now-lengthy impasse know, 17 of the 18 proposed new wilderness areas are located in mountainous headwaters where the prospect of water development is as remote as the rugged alpine terrain.

Ditto for most of the state's existing wilderness areas, which makes granting federal water rights in them primarily a symbolic gesture.

Environmentalists are quick to emphasize that point in arguing that Wirth's wilderness water language ought to be adopted. Developers, they say, have nothing to fear because of the remote nature of these particular wilderness watersheds.

Well, there's a flip side to that argument. Water interests argue that precisely because the Colorado wilderness legislation now under consideration includes virtually all high-mountain drainages deep within non-developable wilderness terrain, there is no need to adopt special wilderness water language.

So, the impasse continues.

What's indisputable is that the issue of water rights in federal wilderness areas will take on far greater significance when Congress acts on wilderness recommendations of the Bureau of Land Mangement in lower basin areas, where there's no question that reserved federal water rights could have a significant impact on existing and future uses.

Given the critical ramifications of granting non-quantified federal reserved rights in lower-elevation BLM lands, Woodard and like-minded state and federal officials have the better argument.

GJ
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Monday, October 9, 1989

THE DENVER POST

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'There is no hope for the satisfied man' - F.G. Bonfils

Wilderness locks out the public from public lands

Enough is enough — we must put a stop to the continued degradation of our freedom to use the public lands of these United States. The continued designation of wilderness area is closing more and more lands to multiple use - and saving it for the personal and selfish use of a self-styled preservationist aristocracy.

Our National Forest areas are getting more and more crowded and yet more wilderness is being designated — wilderness that, except for its first mile, only a small minority of the American Citizens can, or do, use. My family and I, including parents in their 80's, like nothing better than to spend time in the mountains up some isolated 4-wheel drive road where there are few people; but that small enjoyment is being continually restricted for them and for us by taking away access for more wilderness designations.

It is time to put a stop to this single-purpose use of the public domain: it is wasteful of our natural resources, it is wasteful of recreational use, and it is elitist. Enough is enough, it's time to rethink the philosophy of wilderness areas; it is time to think about rolling back the restricted use of the public domain and revive multiple use.

FRANK LUDEMAN
Littleton, Sept. 29

OFF HIGHWAY VEHICLES IN COLORADO
ESTIMATED RECREATIONAL USE AND EXPENDITURES

Prepared for the
Colorado Off Highway Vehicle Coalition
Littleton, Colorado

Prepared by
Drs. Patrick C. Reed and Glenn E. Haas
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Fort Collins, Colorado

January 1989

EXECUTIVE SUMMARY

Many Colorado residents enjoy the recreational use of off-highway vehicles (OHVs) on private and public lands. A study conducted by Colorado State University for the Colorado Off Highway Vehicle Coalition estimated the amount of resident Colorado OHV use, economic expenditures, and OHV user opinions regarding a proposed special OHV registration fee. During the fall of 1988, nearly 600 Colorado OHV users responded to a mail survey and let to the following conclusions:

Use--Within Colorado during the past 12 months, approximately 192,400 Coloradans accounted for an estimated.

- 1.3 million OHV recreation trips
- 4.2 million recreation visitor days (RVDs) of OHV use

Expenditures--Within Colorado during the past 12 months, resident Colorado OHV users spent an estimated total (excluding taxes) of nearly $489 million:

- $126.5 million on the purchase of new and used ATVs,4-wheel drive trucks, motorcycles, and snowmobiles for recreational use
- $189.4 million for the operation and maintenance (fuel, repairs, accessories, etc.) of their OHVs for recreational use
- $98.9 million on other use-related expenses (lodging, food, fuel, etc.)
- $73.9 million on associated expenses (OHV trailers, tow vehicles, campers, storage sheds, etc.)

Registration fee--Of resident Colorado OHV users sampled:

- 89 percent would be willing to pay $10 for an annual OHV registration fee if the revenues collected were used to enhance OHV opportunities in the state. Users are willing to pay an average of $19 for such an annual registration fee
- Most would want the registration fee revenue used to construct and maintain OHV trails and trailheads and provide user information and education programs

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1.0 INTRODUCTION

The recreational use of off-highway vehicles (OHVs) is growing rapidly on the public and private lands of Colorado[1]. This activity provides recreational benefits to OHV users and contributes to Colorado's economy.

This study describes the extent of use and economic impact of OHVs in Colorado. It focuses on the resident OHV users in Colorado and their recreational use within the state during the past 12 months. Four types of OHVs were examined: all-terrain vehicles (ATVs), 4-wheel drives, motorcycles, and snowmobiles.

1.1 Objectives

The study of OHVs in Colorado was designed to provide current and comparable user-generated estimates of the following:

1. the amount of resident recreational OHV use occurring within Colorado during 1988;
2. the amount of money resident recreational OHV users spend annually within Colorado;
3. resident recreational OHV user support and willingness to pay a annual registration fee.

1.2 Methodology

Study data was collected during the fall of 1988 using a mail survey. A random sample of Colorado OHV user households was sent a 5-page questionnaire asking for estimates of recreational OHV use and expenditures within the state over the past 12 months[2]. A total of 983 questionnaires were mailed and 594 were returned, for a combined survey response rate of 60 percent.

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[1] Colorado Off-Highway Vehicle Recreation Plan. September 1988. Colorado Division of Parks and Recreation.

[2] Mailing lists for snowmobile and 4-wheel drive households were provided by OHV clubs and lists for ATV and motorcycle households by the Motorcycle Industry Council.

Table 1--OHV Survey Response

	Households Sampled	Households Responding	Percent Response
ATV - - - - - - - -	239	77	32%
4-wheel drive - -	246	191	77%
Motorcycle - - - -	249	165	66%
Snowmobile - - -	249	161	65%
	983	594	60%

Data from this study are representative of Colorado OHV households which use the vehicles for off-highway recreational use. Results may not accurately represent other Colorado households which do not use the same or comparable types of vehicles for off-highway recreation[3]. Similarly, results do not reflect out-of-state OHV use and users who do not visit Colorado.

OHV use data is expressed both in number of trips and total recreation visitor days (RVDs) per household[4]. Economic data is expressed in 1988 dollars. Household vehicle purchases and associated expenses are 3 year averages of the prices paid before tax, adjusted to 1988 using GNP implicit price deflators.

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[3] For purposes of this study, 4-wheel drive vehicles included trucks and light utility vehicles and not passenger vehicles. Motorcycles did not include dual-purpose street-legal varieties which must be registered under current state law.

[4] A recreation visitor day (or RVD) is defined as 12 hours of activity, such as 1 person for 12 hours, 2 persons for 6 hours, or any combination of people and totalling 12.

2.0 FINDINGS

2.1 Recreational Use

From the study results it is estimated that up to 192,400 Coloradans, 6% percent of the state's population, participated in some type of OHV recreational use during the past 12 months.

On average, each of the estimated 94,000 OHV households took more than 10 trips during the past 12 months, for a statewide total of more than 1.25 million trips. The total time spent using OHVs by all households was more than 4.1 million RVDs.

Table 2--Estimated Annual Recreational Use (1988)

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
Total vehicles in Colorado	41,500	362,700	28,900	17,500	---
Mean vehicles per household	1.8	1.9	2.7	2.7	---
Total trips per household/year	11.7	12.6	20.3	14.6	---
Mean users per household/trip	2.5	1.8	2.2	2.6	---
Mean RVDs per household/year	79.0	27.2	71.6	49.4	---
OHV households in Colorado	23,000	190,900	10,700	6,500	---
OHV households using vehicles for recreation	85%[5]	30%[6]	100%	100%	---
Total Annual OHV Trips	228,735	721,602	217,638	94,965	1,262,940
Total Annual OHV Users	48,875	103,086	23,540	16,900	192,401
Total Annual RVDs of Use	1,544,450	1,557,744	766,120	321,100	4,189,414

2.2 Expenditures

During the past 12 months, it is estimated that all OHV households spent $488.6 million on the recreational use of OHVs in Colorado (see Table 3). Nearly 70 percent of this total, or over $341.3 million, was spent by 4-wheel drive users.

At $189.4 million, the largest percentage of total OHV expenditures (39 percent) was spent on the annual operation and maintenance of OHVs. The purchase of new and used OHVs accounted for more than $126.4 million (26 percent). OHV use-related experiditures totalled $98.9 million (20 percent) and associated expenditures totalled $73.8 million (15 percent).

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[5] Approximately 15 percent of ATV users contacted in the study indicted that they used their vehicle solely for work purposes.

[6] Estimate provided by Jim McMahon, Marketing Director for Four Wheeler magazine, based upon recent reader survey which was further reduced.

Table 3--Estimated Total Annual OHV Expenditures in Colorado

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
Vehicle purchases	17,482,806	93,665,250	7,485,281	7,845,553	126,478,890
Operation & maint.	15,749,504	149,574,232	17,750,166	6,333,444	189,407,346
Use-related expenditures	16,861,646	63,745,347	13,453,699	4,868,594	98,929,286
Associated expenditures	20,372,866	34,370,631	11,668,207	7,445,144	73,856,848
	$70,466,822	$341,355,460	$50,357,354	$26,492,735	$488,672,370

Vehicle Purchase Expenditures. Between 1986 and 1988, it is estimated that more than $379.4 million was spent on the purchase of new and used OHVs, an average of $126.4 million per year (see Table 4). Between 50 to 75 percent of the OHV households bought a new or used OHV during the past 3 years (see Table 5). Mean OHV household expenditures during the past 3 years ranged from $2,701 for motorcycles to $10,552 for 4-wheel drives (see Table 6).

Table 4--Estimated Total and Mean Annual OHV Purchase Expenditures in Colorado During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
3 Year Total	$52,448,418	$280,995,750	$22,455,844	$23,536,659	$379,436,671
3 Year Mean	$17,482,806	$93,665,250	$7,485,281	$7,845,553	$126,478,890

Table 5--Estimated Percent of OHV Households Purchasing OHVs During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
OHV	72.6	46.5	77.7	65.2

Table 6–Estimated Mean OHV Purchase Expenditures per OHV Household During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
OHV	$3,141	$10,552	$2,701	$5,570

Operation and Maintenance Expenditures. Total operation and maintenance expenditures for the recreational use of OHVs is estimated to have exceeded $189.4 million during the past 12 months (see Table 7). The largest percentage of this total was spent on maintenance, repairs, and parts (25 percent). This was followed closely by the purchase of OHV accessories and specialized clothing such as helmets, boots, and riding suits (23 percent).

More than $36.4 million (20 percent) is estimated to have been spent on gasoline and oil for OHVs during the past 12 months.

Annual expenditures for operation and maintenance per OHV ranged from an estimated $362 per snowmobile to $1,375 per 4-wheel drive (see Table 8). Gasoline and oil expenses ranged from $37 annually for motorcycles and snowmobiles to $298 for 4-wheel drives.

Table 7–Estimated Total Annual OHV Operation and Maintenance Expenditures in Colorado

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
Registration & licensing fees	0	6,869,861	0	186,796	7,056,657
Insurance	2,234,475	32,461,339	1,066,410	639,593	36,401,817
Gasoline & motor oil	2,617,601	31,422,585	2,459,283	1,480,046	37,979,515
Maintenance & repairs	2,536,077	38,706,459	5,183,376	1,545,250	47,971,161
Rental & storage	129,538	1,037,036	149,531	76,028	1,392,132
OHV access. & equip.	4,977,694	33,541,322	4,473,292	1,409,074	44,401,382
Special clothing	2,627,792	2,603,183	3,442,953	899,630	9,573,558
Other	626,327	2,932,446	975,321	97,028	4,631,123
	$15,749,504	$149,574,232	$17,750,166	$6,333,444	$189,407,346

Table 8--Estimated Mean Annual OHV Operation and Maintenance Expenditures per OHV

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
Registration & licensing fees	0	63	0	11
Insurance	63	298	37	37
Gasoline & motor oil	74	289	85	85
Maintenance & repairs	72	356	179	88
Rental & storage	4	10	5	4
OHV accessories & equipment	141	308	155	81
Special clothing	74	24	119	51
Other	18	27	34	6
	$446	$1,375	$614	$362

OHV Use-related Expenditures. It is estimated that OHV households spent another $98.9 million on use-related goods and services (see Table 9). As much as $34.2 million (34 percent) was spent at restaurants and grocery stores, and for lodging.

Gasoline and oil purchases for tow vehicles or motorhomes is estimated to exceeded $28.6 million during the past 12 months (or 29 percent).

Annual OHV use-related expenditures per OHV ranged from an estimated $278 for snowmobiles to $586 per 4-wheel drive (see Table 10). Gasoline and oil expenses ranged from $89 annually for snowmobile tow vehicles and motorhomes to $168 for 4-wheel drive tow vehicles or motorhomes.

Table 9--Estimated Total Annual OHV-Use Related Expenditures in Colorado

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
Lodging	903,628	6,042,981	1,419,204	1,012,991	9,378,804
Food & beverages	3,693,880	16,229,524	3,597,194	1,321,250	24,841,848
Gasoline & motor oil	4,958,489	18,310,467	3,844,663	1,554,000	28,667,620
Equip. rental & purchase	3,120,858	9,491,941	1,138,981	112,519	13,864,298
Clothing	1,955,999	2,778,408	493,976	230,481	5,458,865
Film, gifts & souvenirs	923,617	5,047,175	632,910	222,481	6,826,665
Other entertainment	506,588	1,492,851	416,267	167,417	2,583,122
Entrance & event fees	658,075	3,029,221	1,737,532	195,352	5,620,180
Other	140,512	1,322,779	172,972	51,981	1,688,244
	$16,861,646	$63,745,347	$17,750,166	$4,868,954	$98,929,646

Table 10--Estimated Mean Annual OHV-Use Related Expenditures per OHV

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
Lodging	26	56	49	58
Food & beverages	105	149	124	76
Gasoline & motor oil	141	168	133	89
Equipment rental & purchase	88	87	39	6
Clothing	55	26	17	13
Film, gifts & souvenirs	26	46	22	13
Other entertainment	14	14	14	10
Entrance & event fees	19	28	60	11
Other	4	12	6	3
	$478	$586	$466	$278

Associated Expenditures. It is estimated that between 1986 and 1988, more than $221.5 million was spent on the purchase of goods and services to facilitate OHV use, an average of $73.8 million per year (see Table 11). The most common associated purchases were for tow vehicles, followed by recreational vehicles (see Table 12). Nearly two)thirds of the total OHV associated expenditures, or about $140.1 million, went towards the purchase of other cars or trucks. Another $65.1 million (29 percent) was spent for motorhomes, campers, and trailers.

Over the past 3 years, new and used tow vehicle expenditures per OHV household averaged more than $11,000 (see Table 13). The purchase of recreational vehicles and storage facilities often averaged more than $5,000 per OHV household over 3 years.

Table 11–Estimated Total and Mean Annual OHV Associated Expenditures in Colorado During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
OHV vehicle trailer	615,015	0	270,410	321,393	1,206,818
Car or truck	53,365,685	43,756,417	29,751,757	13,268,162	140,142,021
Motorhome, trailer or camper	5,939,037	47,818,665	2,857,435	8,486,895	65,102,033
Storage shed, garage & add.	1,198,860	11,536,810	2,125,020	258,981	15,119,671

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles	Total
3 Year Total	$68,118,598	$103,111,893	$35,004,622	$22,335,431	$221,570,544
3 Year Mean	$20,372,866	$34,370,631	$11,668,207	$7,445,144	$73,856,848

Table 12--Estimated Percent of OHV Households with OHV Associated Purchases During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
OHV vehicle trailer	1.3	0.0	1.2	1.8
Car or truck	17.8	6.3	24.6	13.0
Motorhome, trailer or camper	4.1	8.9	4.9	7.4
Storage shed, garage & addition	1.3	2.1	2.4	1.2

Table 13--Estimated Mean OHV Associated Expenditures per OHV Household During 1986-88.

	ATVs	4-wheel Drives	Motorcycles	Snowmobiles
OHV vehicle trailer	2,052	0	2,106	2,755
Car or truck	13,004	12,128	11,303	15,748
Motorhome, trailer or camper	6,283	9,382	5,450	17,696
Storage shed, garage & addition	4,000	9,593	8,275	3,330

2.3 Registration Fee

Overall, 89 percent of all OHV households indicated that they would be willing to pay a proposed $10 annual registration fee for the off-highway use of OHVs (see Table 14). Support for the proposed fee ranged from 66 percent in favor among ATV households to 93 percent in favor among motorcycle households. However, many users were quite emphatic that their willingness to pay the registration fee was contingent upon the fee revenues actually being used to enhance OHV opportunities.

The average dollar amount that all OHV households indicated that they would be willing to pay for the fee was $19 annually, ranging from $13 for ATV households to $24 for motorcycle households (see Table 15). More than half of the 4-wheel drive, motorcyle, and snowmobile households indicated that they would be willing to pay up to $25 annually (see Table 16).

When asked how they would allocate the fee revenues, OHV households would spend nearly half for the construction and maintenance of trails and trailheads. Another 28 percent would be given to information and education programs (see Table 17).

Table 14--Estimated Percent of OHV Households Willing to Pay Proposed $10 Annual Registration Fee

	ATVs	4-wheel Drives	Motorcycles	Snow-mobiles	Weighted Average
Willing to pay $10	66	92	93	92	89
Not willing to pay $10	34	8	7	8	11
	100	100	100	100	100

Table 15--Estimated Mean Dollar Amount OHV Households Willing to Pay For Proposed Annual Registration Fee

	ATVs	4-wheel Drives	Motorcycles	Snow-mobiles	Weighted Average
Willing to pay	$13	$20	$24	$15	$19

Table 16--Estimated Percent of OHV Households Willing to Pay Different Dollar Amounts For Annual Registration Fee

	ATVs	4-wheel Drives	Motorcycles	Snow-mobiles	Weighted Average
$0	28	6	4	6	8
$1	5	2	2	1	2
$10	37	36	27	41	35
$11 to $25	23	43	49	48	44
More than $25	7	12	17	4	11
	100	100	100	100	100

Table 17--Estimated Preferred Allocation of Annual Registration Fee Revenues for OHV Opportunities

	ATVs	4-wheel Drives	Motor-cycles	Snow-mobiles	Weighted Average
Construction of new trails	24	13	26	21	20
Maintenance of existing trails	18	36	21	26	27
Parking areas & trailheads	6	4	6	20	9
Mapping & signing of trails	9	14	12	13	13
Safety programs	13	8	7	6	8
Environment ed. programs	10	9	8	3	7
Admin. of special events	4	5	11	5	7
Law enforcement	11	8	4	4	6
Other	2	2	4	2	3
	100	100	100	100	100

TESTIMONY

on behalf of the

Colorado Cattlemen's Association

before the

United States Senate
Energy & Natural Resources Subcommittee
on
Public Lands, National Parks and Forests

October 28, 1989

on

S 1343 - Colorado Wilderness Act of 1989

by

Corwin Brown
President
Colorado Cattlemen's Association

October 28, 1989

Mr. Chairman and distinguished members of the Subcommittee, my name is Corwin Brown and I serve as the President of the Colorado Cattlemen's Association. CCA has represented the cow-calf and stocker cattle farmers and ranchers within the state of Colorado for over 123 years. In addition to my own purebred Simmental operation, I manage an ag real estate/ranch management firm in Springfield, Colorado.

Agriculture is the 3rd largest industry within our state and generated $3.2 billion dollars in cash receipts in 1987. Colorado's cattle industry represents $2 billion dollars, or 62% of these total ag receipts.

The Colorado Cattlemen's Association appreciates this opportunity to submit testimony in regards to the formulation of a Wilderness Bill for Colorado. The 36% of Colorado's land mass owned by the Federal Government is vitally important to Colorado's public lands ranching economy. Our industry takes great pride in the fact that we have practiced good stewardship of Colorado's land and water resources since long before our statehood was established.

As CCA members, we support the designation of wilderness areas only to the extent that such designations do NOT interfere with existing private property and water rights. It is paramount that we evaluate the impacts of any proposed wilderness areas on the surrounding economy before locking this resource up under a wilderness designation. The idea of "preserving our heritage for future generations" through additional wilderness designations is certainly admirable. However, we must first consider the effect of such designations on the current generation.

By its very nature, wilderness prohibits the harvesting of any potential land resources. In essence, wilderness designations replace the multiple-use land management concept (one of best-utilization of resources) with a single-purpose "hands off" approach. Because wilderness prohibits the use of any mechanized transportation, it discriminates against Colorado's senior and handicapped populations. Such wilderness designations satisfy the desires of a small minority of people whose only interest lies in preservation. The many benefits provided for by the multiple-use concept are superceded.

The threat to private enterprises within wilderness study areas mushrooms when one considers the resulting impact on surrounding communities. Many of these rural communities are dependent upon agriculture, mining, timber harvesting, and motorized recreation to support their populations. The land provides a living which, in turn, provides a tax base to fund schools, hospitals and other public services. Those who make their living off of the land provide the money to support local businesses within the community. The land and its resources are the glue which holds the rural community web together.

In light of this interacting relationship, it is easy to understand the devastating impact which single-use wilderness can have on these rural communities. If you tie up the land, you cut off the source of basic income And without this basic income source, many rural communities face certain extinction. The Colorado Cattlemen's Association would support a requirement of all future wilderness considerations to be evaluated in regards to their resulting economic impact on surrounding communities. Such an economic impact study would allow decision-makers to objectively weigh the true costs and benefits of wilderness designations.

One of our primary concerns with S-1343 is the lack of any specific language which expressly prohibits the designation of wilderness water rights for future downstream wilderness areas. The Sierra Club lawsuit, and the resulting decision by Judge Kane, has cast a dark shadow on wilderness designations and poses a very real threat to the survivability of many private businesses. This water is the "lifeblood" of many ranching operations. Without the water, and the use right which accompanies it, the land is worthless from an agriculture perspective.

The proposed wilderness areas within S-1343 are all contained within headwaters areas. As such, there is absolutely no need for a designated water right — by their very location, Mother Nature has dictated that these areas will be first in line for any water use.

As landowners and private businessmen, we must insist that this legislation be amended to include specific language which would expressly prohibit the assignment of any water rights to future downstream wilderness study areas. Such an amendment would reinforce our government's constitutional commitment to the protection of personal property rights.

Again, we appreciate this opportunity to comment before the Subcommittee and salute you for seeking "grassroots" input on this important issue. I would be happy to answer any questions which you may have at this point.

OCT [illegible] 1989

Colorado Wool Growers Association
211 Livestock Exchange Building
Phone 629-6448
Denver, Colorado 80216

October 24, 1989

SUBJECT: Testimony on S.B. 1343 - Additional Wilderness

FROM: Nick Theos, Chairman, Public Lands Use Committee - Colorado Woolgrowers Ass'n.

Thank you for the opportunity to bring to your attention our concerns regarding S.B. 1343 or any other legislation for additional wilderness. I will summarize briefly on behalf of the Colorado Woolgrowers Association and enter this testimony for the record.

The Colorado Woolgrowers Association represents 400 ranchers who operate on private and multiple use or wilderness areas on the public lands. We have not opposed the existing wilderness areas and feel that two and six tenths(2.6) million acres is sufficient. Colorado does not need additional areas locked up to hinder economic development, particularly in Western Colorado. We are in favor of placing all public lands which are not already in wilderness areas, into multiple use. The reasons are many:

1. There are at least 80% more visitors, hikers, hunters, recreationists and campers using the multiple use areas as compared to those using the wilderness areas.

2. Very few people can get to the wilderness areas. Existing trails have been shut down by falling timber and nobody is willing to clean them since they have to use an axe in lieu of the outlawed chain saws.

3. Senior citizens and the handicapped are denied the opportunity to enjoy the beautiful areas which will be locked up forever.

4. Livestock grazing is allowed in the wilderness areas but it is very limited because of the difficulties encountered in packing in the tents and supplies and not being able to maintain any improvements and there is no fire control or predator control. Most of the wilderness area permits are vacant or on non-use now.

5. The water rights (Kane decision) issue is in an appeal status and not settled. Introducing and passing wilderness legislation at this time would set a precedence on additional wilderness now under study by the B.L.M.

6. Much of the acreage designated in S-1343 does not meet wilderness qualifications as there are existing roads, timber being harvested, mining claims, etc.

7. Most people in Colorado don't know or even realize what wilderness really means to the state. If the present ski areas were designated wilderness, Colorado would not have a multi-million dollar ski industry.

8. Even though the environmental groups state that 85% of the people of Colorado are for wilderness areas, we feel that those people don't understand what wilderness really is. Most of them think that wilderness means more access to public lands for recreation, motor bikes, jeeps, 4-wheelers, etc. But none of that is true. We feel that before any additional wilderness is designated, the public should be well educated on what it really means - that these lands will be locked up forever.

9. No one knows when the need for additional products will be required - such as minerals, oil, gas, food, fiber, lumber, recreation areas, water storage, etc. - So why lock it up as wilderness. What is wrong with multiple use under good management.

10. Game animals - deer, elk and antelope - cannot be managed in wilderness areas since very few, if any, hunters will harvest them in such hard to reach areas. They want to use their vehicles and 4-wheelers.

11. Colorado Woolgrowers Association is a member of the Colorado Multiple Use Coalition and concur with any and all testimony given by the other members of the Coalition.

In closing, we feel that the lands under multiple use concept serves over 90% of the public for everything from hiking and camping to timbering, grazing or mining. As long as they are under responsible management practices, they should remain so. We also feel that 90% of the public share our concerns when they clearly understand what the wilderness concept really is.

Wilderness bill testimonial

1. Wilderness ~~[illegible]~~ and wild creatures have a right to exist in & of themselves. Just as people have a right to be free but throughout history have been enslaved, the right of wilderness to exist does not guarantee its existence and protection. ~~[illegible]~~ It is incumbent on those with the power to protect these rights to do so. The people and the elected officials in this nation that still has areas of ~~[illegible]~~ wilderness have a responsibility to ensure their continued existence.

2. Wilderness ecosystems provide a cleansing and purifying of air and water. Western water supplies originate, to a large extent, in mountainous wilderness areas. It is imperative that these watershed/headwaters areas are protected.

3. Wilderness areas provide a cleansing & purifying of the soul: great teachers and prophets throughout history have repaired to the wilderness for renewal and communion with their humanity and spirituality. (I have taken groups of emotionally disturbed adolescents into wilderness areas and have seen their confidence and abilities increase dramatically in response to wilderness challenges. The world is very real; wilderness provides genuine life situations that one can't con one's way out of. It is a tremendous educational resource.)

4. Wilderness areas provide an economic resource for the state of Colorado. One of our state's strongest sources of revenue is generated by people who come to backpack, hunt, fish, camp, hike, run rivers; and those whose businesses support such activities — from food services to ~~[illegible]~~ equipment manufacturers and salespeople to outfitters and outdoor schools.

5. Tim Wirth's bill ~~[illegible]~~ proposing new wilderness areas has been extensively negotiated and contains many compromises; the fears regarding lack of access, water rights and other objections to wilderness designations have been virtually eliminated.

6. The awareness and understanding of the interdependence of all living things (including human dependence on ~~[illegible]~~ the genetic diversity around us) is now a global issue. This is an opportunity for America -- Colorado in particular – to assume firm leadership on the cutting edge of a global issue. (Having visited highly, extensively polluted countries elsewhere in the world – in both Europe and Asia – I know that short term employment and income at the expense of long term environmental cleanliness and diversity are not worth the cost.)

Pat Musick
Colorado Springs

October 28, 1989

To: Senate Subcommittee Hearing
Public Lands, National Parks & Forests

RE: S. 1343 Tim Wirth's 1989 Wilderness Bill

I want to thank you for the opportunity to speak today.

I am in favor of Senator Wirth's Wilderness Bill for the following reasons:

1. We do need water preservation for the Wilderness or it will not remain in it's natural pristine beauty. As good stewards of these lands we should protect & not allow these choice areas to be destroyed.

2. Wilderness is multiple use. Furthermore it is able to protect the land from special interests groups that destroy vegetation if allowed.

3. Compromises have been made & every legitimate concern of the water development interests have been met.

4. Recreational lands must be set aside for future generations. Endless requests for development will just continue to reduce those lands that we recognize as special beauty & unspoiled.

5. The National Forest Lands are seeing competition for resources. This continues to have a negative impact. We are forced to look at the accumulated impacts that exist. It is the word accumulated that I draw your attention. We see bits & pieces of our forests being taken, abused & no concern for the next several generations. Often we see tax payer dollars spent on projects that are destructive to the land & environment with wasteful spending from the taxes generated by the average middle to lower income individuals. We are seeing poor stewards of our resources.

I therefore urge you to support Senator Wirth's Wilderness Bill.

Thank you

Jan Hose
21249 Highway 82
Basalt, Colo 81621

303-927-3448

10/28/89

My name is Ronald L. Wilcocks, my wife's name is Ann M. Wilcocks and we both strongly support S.1343. The people of Colorado have waited long enough for passage of this bill. The vast majority of people in Colorado clearly want this legislation passed!! Wilderness is a very valueable asset for Colorado, the US., and all future generations and it needs to be ~~passed~~ preserved before it is exploited and lost.

(over)

Thank You

Ronald L. Wilcocks

Ron & Ann Wilcocks
912 Acadia
Lafayette CO 80026
673-9639

P.S

I was recently backpacking in the Sangre De Cristo's (Labor Day 1984) and had a terrible experience with off road motorized vehicles. While my group was hiking in, at least 15 untuned (ie high polluting), loud, and reckless motorcyclists seriously degraded our outdoor experience. It took over 15 minutes for the air to clean (and thus be breathable) after the bikers passed. On the positive side of this backpacking trip was when our group got further into the beautiful Sangre De Cristo landscape. This area really deserves to be protected.

10/28/89

My name is Paul Vero, from Boulder, Colorado,

I strongly support S. 1343. I am an avid backpacker and beginning climber who feels Wilderness is valuable not only for Recreationable purposes, but for Spiritual purposes.

I wish to add a poem that I feel will explain how I feel about this Bill:

Wilderness is Reality, we live in an immense Wilderness; our Solar System resides in the backcountry of the Milky Way. Our minds seek the Wilderness, to see our image, to see what we are; where we are from; ~~wheen~~ where we are going. Knowledge and experience arise from our visits to the Wilderness, about ourselves and our world. You find out where you stand, what it all thinks of, Wilderness always is.

Thank you for the good work.

Paul Vero

2135 Spruce, #1
Boulder, CO 80302

Testimony of Carol Wood Stansfield (175 South Jefferson, P. O. Box 588, Monument, Colorado, 80132) before the Senate Public Lands, National Parks and Forests Subcommittee, on October 28, 1989, concerning S. 1343, The Colorado Wilderness Bill.

Please include this statement in the official hearing record:

Colorado needs wilderness protection for four reasons:

Economically: Colorado's natural wilderness beauty attracts hundreds of thousands of visitors each year to our state. Tourism will become an increasingly important basis of Colorado's economy in the years to come. By protecting Colorado's wildness, we protect her economic future as well.

Environmentally: Recent environmental concerns such as acid rain, ozone depletion, and global warming have dramatically demonstrated the need for healthy, intact ecosystems to counteract the effects of human activity in urban areas. Preserving wilderness areas is one of the most important steps we can take now to insure a healthy world environment for the future.

Recreationally: Many of us who live in Colorado have chosen this state as our home because of the unsurpassed opportunities for wilderness recreation: hiking, backpacking, cross-country skiing. These same forms of recreation bring thousands of visitors each year to our state. By protecting wilderness, we assure ourselves and future generations the opportunity to participate in all forms of wilderness recreation.

Spiritually: As lifestyles become increasingly technological and fast-paced, the need for solitude and quiet contemplation of undisturbed natural beauty is even more important than ever before. Americans need places of spiritual refreshment to balance the demands of hectic urban lifestyles.

Walt Whitman said, "Now I see the secret of the making of the best persons. It is to grow in the open air, and to eat and sleep with the earth." As an elementary teacher, I am very concerned that our children have opportunities for healthy physical, mental, and emotional growth. I feel that opportunities for contact with undisturbed wilderness are an essential element in that growth. With the hope that our generation will have the vision to protect wilderness for future generations, I strongly support S. 1343 and urge its quick passage.

Wilderness Bill Testimony

I am here to testify for Senator Wirth's Wilderness Bill. It is a travesty that it has taken so long to resolve disputes about Colorado wilderness designations. Congress must pass this bill in this session.

The modest addition of 750,000 acres to wilderness will increase land in Colorado to 23%. Too much? Hardly! Unfortunately developers will still have 78% of the federal lands in Colorado to ravish. I can only pray they don't.

Please let's get on with passage of this bill. Senator Wirth's committee deserves much praise and thanks for breaking through the impasse and putting together this compromise legislation.

Wilderness is a concept that has caught on. In Colorado it is important to our tourist industry in many difference ways - skiing, fishing, hunting, rafting, hiking, camping, etc. But in addition we can point to the spiritual values that will last forever. For me, wilderness is a high priority in my recreational needs to be able to escape the stresses of civilization occasionally to hike and camp in the solitude of wilderness. For the planet, all wilderness is essential for preserving ecosystems, habitat for plants and animals, water sheds, ecological diversity.

These are rare and important times in history. It is even a thrill that I, a senior citizen, can have this opportunity to testify for something I have hoped for so long - a lasting Wilderness Bill. I expect to be able to celebrate its passage!

Jeanette S. Currier
1555 E. Lake Pl.
Littleton 80121

Timberline Trailriders Inc. is a group based in Steamboat Springs that organizes and promotes motorcycle events in Northwest Colorado. The main focus of the group since its inception 17 years ago has been to organize an annual motorcycle enduro which utilizes approximately 100 miles of trails and four-wheel drive roads in the area directly to the west of the northern portion of the existing Mt. Zirkel Wilderness area. This event draws 750-1000 particpants, volunteer workers and families to this area each year. We pay between $400-500 annualy for a special use permit for this one day event. Volunteers from our organization have spent many hours each year to maintain over 75 miles of trails in this area over the last 17 years.

The Timberline Trailriders are totally opposed to the proposed extension of the Mt. Zirkel Wilderness to the west of its present boundaries. There is absolutely no proven need for more wilderness acreage in this area. The current wilderness boundaries were just finalized in 1982 and the National Forest Service completed an exhaustive forest plan dealing with all uses, including wilderness, at that time. To propose massive changes ignoring these studies is a waste of existing expertise and an affront to the whole planning process.

We submit the following:

1.) The Forest Service is an able manager of our forest grounds and there is no demonstrated need to restrict the Forest Service's flexibility in management. They are actively managing all the users in the forest in a prudent and practical manner, attempting to balance the needs of all users. Many thousands of acres are already set aside in non-motorized and primitive or wildlife categories. The multiple use concept is and has been proven to be a successful management tool and should not be abandoned.

2.) All users are important and should be considered. By increasing the wilderness area you will be further condensing the non-wilderness users into smaller and smaller areas. Motorcycles, mountain bikes, horses and four-wheelers are all utilized in multi-use areas with little conflict.

3.) Can we afford more wilderness areas? Has Senator Wirth calculated the costs for the additional enforcement and access necessitated by this proposal? Has he analyzed the impact and cost on adjacent areas? We can't afford to take care of the wilderness areas we have now. Compressing the non-wilderness area will of course increase the costs of managing those areas. Wilderness areas are more expensive to administer and have no opportunity for revenue generation.

4.) The Davis Peak area boundaries of the Wirth proposal were apparently drawn with no regard to the actual topography or uses of the land involved. If enacted, three popular and actively used motorized loop trails would be eliminated - and with no reason or justification.

5.) There is no need to expand the wilderness area to over 20% of the Routt National Forest. For those of us in the Steamboat Springs area the heart of the forest has already been taken, leaving motorized recreation to the peripheral areas. Additionally much of the 20% allocated to recreation is unroaded primitive area, and no motorized recreation is allowed in a large portion of the 23% allocated to wildlife. Don't we have enough restricted, preserved and protected acres?

6.) Only one quarter of this proposed addition to the Mt. Zirkel Wilderness area was deemed suitable for inclusion as wilderness in the Davis Peak Further Planning Area Study - the rest was not. What is the justification for throwing out this study which thoroughly analyzed wilderness additions?

The Timberline Trailriders are not totally opposed to the Wilderness concept. Selected pristine areas have been and most likely will continue to be set aside for this purpose. We do feel very strongly, however, about land that has been historically utilized for off-highway or semi-primitive motorized recreation being included in this proposal. We feel that the proposed addition to the Mt. Zirkel Wilderness area was randomly drawn on a map and not well thought out or studied. We appreciate the opportunity to be able to present our position concerning this proposal. Thank you.

① My husband and I are almost too old now to enjoy wilderness areas on foot or by horseback ourselves as we did when we were younger, but we are still pro-wilderness and pro-wilderness-water rights -- so obviously necessary to maintain wilderness eco-systems.

If pristine areas are not given protection as wilderness areas, they can be subjected to exploitation by a number of business ventures. But no one can build a wilderness area in the future.

What is to be preserved must be preserved now. It won't work the other way around. The citizens of the United States must designate ~~[illegible]~~ some untouched areas as wilderness now to ~~pxesexxi~~ preserve them in that state ~~for [illegible]~~ for future generations of Americans. If the people of this country decide at some future time that they want to make some wilderness areas commercially ~~p~~ available, congress could then change the law. What right do we have to make decisions for them now by not preserving some pristine areas as wilderness?

According to the Wilderness Society, quote" Recent state-wide public opinion surveys show that 85% of Coloradans support big tracts of new forest wilderness -- and 74% support water rights for wilderness.." ~~[illegible] end~~ ~~xrightsxmakexfuturexwaterxdevelop~~ end quote

[illegible] Armogast, Alamosa

October 27, 1989

I Joseph McCain would like to go on record as being in favor of the Wilderness Bill. I support Senator Tim Worth's proposal which provides a fair and balanced approach to the wilderness water rights controversy. I would like to see as much wilderness saved and protected before it's too late. By designating these areas as wilderness, we will ensure that our children and grandchildren will be able to enjoy these special places as they exist today and existed 100 years ago.

Wilderness areas are the preserves of fish and wildlife habitat. They protect water sheds and ecological stability and genetic reservoirs of plant and animal species. We need to preserve what's left now and leave it alone like it was meant to be.

Joseph McCain
6743 County Rd. 620
P.O. Box 200
Gardner, Colorado 81040

Joseph McCain

October 27, 1989

I Theresa McCain would like to go on record as being in favor of the Wilderness Bill. I support Senator Tim Worth's proposal which provides a fair and balanced approach to the wilderness water rights controversy. I would like to see as much wilderness saved and protected before it's too late. By designating these areas as wilderness, we will ensure that our children and grandchildren will be able to enjoy these special places as they exist today and existed 100 years ago.

Wilderness areas are the preserves of fish and wildlife habitat. They protect water sheds and ecological stability and genetic reservoirs of plant and animal species. We need to preserve what's left now and leave it alone like it was meant to be.

Theresa McCain
6743 County Rd. 620
P.O. Box 200
Gardner, Colorado 81040

Theresa McCain

Susan Thornton, Littleton City Council
Testimony October 28, 1989
Denver, Colorado
Re S. 1343

My name is Susan Thornton, 474 W. Easter Avenue, Littleton. I'm a member of the City Council in Littleton, Colorado -- although I'm here today to express a private opinion. While Littleton as a city has no position on wilderness, we do have a wild area within our city limits. Many years ago, civic leaders had the idea of protecting the floodplain of the South Platte River as it wandered through Littleton. It took an act of Congress, but we were finally able to prevent the channelizing and rip-rap of the river.

It has been very interesting to me to see how Littleton's South Platte Park is received by people across the metro area. There is so much enthusiasm for this wild park -- there are hikers and bikers, people rafting and fishing and bird-watching. People bring their children to show them the wetlands and to expose them to a bit of the wild close to home.

It seems to me there is a powerful lesson here. As our world becomes increasingly urbanized, there is an ever-growing hunger for wild places. I do not believe this is a passing fad. It seems to me that this is a deep and abiding human need that will only grow more strong as wild places vanish.

I'm here today because I believe it's important to support Senator Wirth's bill that will protect more wilderness in Colorado.

Wilderness is a one-time resource. It's non-renewable. Once it's cut and bulldozed and blasted and developed, it's gone forever. This bill is an investment in the future for ourselves and for those who will come after us.

My name is Linda M. Lee and I live in Westminster. I would like to thank you Senator Wirth for finally getting this issue off the fence. I came here to Colorado because I loved the beauty: nature that surround it. I love going into the mountains and seeing the elk or deer in their natural habitat. Please let us preserve this beauty for my children and all to come.

Our wilderness's have been assaulted, especially in the last eight years. We are now only beginning to see the light in such ways as EPA'S veto of Two Forks. But we still have many fights. Sen. McClures Wilderness bill is no Wilderness bill @ all and the Tongass Protection bill may wither on the vine for lack of one co-sponsor. Let Nature have @ least one victory for it is the only planet we have. Let us not make our home a wasteland, but one we can revel in. Thank you once again.

Linda M. Lee
10258 Lewis Circle
Westminster CO 80021

TESTIMONY ON THE DESIGNATION OF ADDITIONAL WILDERNESS LANDS IN COLORADO BEFORE THE PUBLIC LANDS, NATIONAL PARKS AND FOREST SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Presented by Kirk Koepsel for the
Colorado Environmental Coalition
October 28, 1989

Good morning, Senator Wirth and distinguished members of the committee, my name is Kirk Koepsel. I am representing the Colorado Environmental Coalition in testimony on the Colorado Wilderness Bill, S. 1343.

The Colorado Environmental Coalition is a statewide coalition of approximately 40 conservation organizations with a combined membership of 50,000 individuals. The Coalition was formed in 1965 so that the various conservation groups in the state could work together on public lands issues and speak with a unified voice.

The Coalition would like to express its wholehearted support for your wilderness legislation, Senator Wirth. Your legislation represents a true compromise between conservation and water interests. Since the water issues have been thoroughly addressed in previous panel discussions, I would like to concentrate the emphasis of this testimony on the conflicts between designation of the lands in your proposal as wilderness and any potential these lands have for future oil and gas development.

Three areas in your proposal have been cited in the past by the oil and gas industry as being areas that may have oil and gas potential. These three areas are the Sangre de Cristo Mountains, Spanish Peaks and the South San Juan Additions. I would like to address each of these areas individually.

According to a 1984 professional paper published by the United States Geological Survey, the Sangre de Cristo Mountains have "little promise for the occurrence of oil and gas resources." The oil and gas industry has disagreed with this assessment, and claims that carbon dioxide reserves may exist in the area.

History actually shows that there is little interest in the alleged reserves located in the Sangres. In the March 1988 competitive oil and gas lease sale, the Bureau of Land Management put three tracts up for lease that were located in your boundaries for the Sangre de Cristo proposed wilderness. Not a single bid was received during the competitive lease sale, nor was a single bid received the next day during the simultaneous lease sale. In fact, not a single bid was received for any of these three-tracts during the over one year period that the three leases were available for over-the-counter purchase. It should also be pointed out that only three lease applications and no existing oil and gas leases exist in the Sangres.

Spanish Peaks is another area that the U.S. Geological Survey found to contain "little likelihood for the occurrence of oil and gas because of the lack of structural traps and the igneous activity." Once again the oil and gas industry take exception to this scientific study. The industry claims that the area may have potential carbon dioxide reserves. However, no development activity has ever occurred in the area nor do any current leases exist in the area. Eight lease applications do exist that have been filed by four companies or individuals.

The last area that industry claims may have oil and gas potential is the South San Juan Wilderness additions. The U.S. Geological Survey does suggest that the areas may have potential for petroleum since two small oil and gas fields are located 3 and 7 miles to the south of the V-Rock addition to the South San Juans. However, no development has ever occurred in either the V-Rock or Montezuma Peak additions, no leases exist in either of these two potential additions, and the areas contain only five lease applications.

In conclusion, little if any conflict exists with regards to oil and gas development in the areas you have proposed as wilderness. The designation of these areas as wilderness will have negligible, if any, adverse effects on oil and gas development within the state.

I hope that the subcommittee finds this information helpful. If you have any questions, I would be happy to try to answer them.

Respectfully submitted by,

Kirk Koepsel

Kirk Koepsel
Public Lands Coordinator

The Colorado Mountain Club
2530 West Alameda Avenue Denver, Colorado 80219
922-8315, Trip Sign-ups, 9-2, M-F; 7-9 p.m., M, T, Th.
922-8976, Business Calls Only, 9-5, M-F.
922-3708, General Information, 24 Hours.

TESTIMONY OF THE COLORADO MOUNTAIN CLUB
BEFORE THE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE
ON SB 1343 - THE 1989 COLORADO WILDERNESS BILL
OCTOBER 28, 1989, DENVER, COLORADO

My name is Anne Vickery. I am speaking on behalf of the Colorado Mountain Club which was founded in 1912 and is the state's oldest recreation and conservation organization with over 7,500 members in 18 groups throughout the state.

I am here to convey to you the Mountain Club State Board unanimous endorsement of SB 1343 and the appreciation of each member for the time and effort you and your staff have put into this legislation.

All seasons of the year Mountain Club members are enthusiastic users of Colorado Wilderness and the areas proposed in this bill. This summer I visited the Buffalo Peaks WSA, climbed one of the fourteeners in the Sangre de Cristos WSA, and took three trips into the Maroon Bells-Snowmass Wilderness, one being a trail rehabilitation on Capitol Peak. That trip was arranged and the cairn trail marked by Club members over 50 and the peak climb was led by a member over 60. So much for Wilderness being reserved only for the young.

We have waited many years for these areas to become Wilderness, particularly the Sangres, the jewel of Southeastern Colorado and the cornerstone of this bill. The Sangres are threatened by oil and gas leases and by hydroelectric projects. The Colony Lakes area, accessible by 4 wheel drive, is overused and eroded. SB 1343 would place this area four miles inside the boundary and with careful management the healing process could begin.

Sarvice Creek and Davis Peak, both lower elevation roadless areas probably with old growth trees, are threatened by timber cuts and Sarvice Creek is threatened by a new ski area. By the way old timers say it is Sarvice Creek, SARVICE, not Service Creek.

The Colorado Mountain Club urges the Congress to make these areas Wilderness. Thank you.

For years the Board of County Commissioners of Jackson County has repeatedly gone on record as being opposed to the designation of additional wilderness in Jackson County, Colorado. Our numbers are few in Jackson County, and it is becoming increasingly more apparent to us that the economic well-being of this small county will be overshadowed by the political expediency of satisfying the demands and insatiable appetite of the preservationists to set aside more and more lands to be enjoyed by the select few. Approximately 75,650 acres, or nearly 23% of all the National Forest lands in Jackson County are already included in five (5) designated wilderness areas. The proposed additions in Your Wirth's Bill would result in over 30% of all National Forest lands in our county being committed to restricted use. When is enough really going to be enough?

It always seems ironic that areas initially inventoried in Jackson County as being potentially suitable for wilderness designation by professionals on the ground with knowledge of the local area never shrink in size, but invariably expand outside the initial study area boundaries. Apparently, each proposer of a boundary feels that he has more extensive knowledge of the actual ground conditions than that of Forest Service personnel who have first hand knowledge of the area. Autos, snowmobiles, jeeps, and motor bikes provide the only ways many handicapped and elderly Americans can enjoy some of the natural beauty of our national forests.

Because water rights associated with non-headwater downstream wilderness areas were not thoroughly analyzed and considered in the past Congressional wilderness legislation, we in Jackson County now have the dubious distinction of having the only downstream wilderness area in the State of Colorado, the North Platte Wilderness. Reserved water rights for the non-headwater, downstream wilderness areas would significantly limit Colorado's ability to develop new water supplies, administer existing water diversions, and the effective management of Colorado water resources through trade and exchanges. A federal reserve water right for the North Platte Wilderness would be devastating to our local area. Any new Colorado wilderness legislation must clearly state that there are no implied or express water rights for wilderness purposes attached to the waters of the North Platte River within Colorado. It is our opinion that there should not be any federal reserved water rights for any existing wilderness areas or any newly created non-headwater wilderness areas. We do not feel that Sen. Wirth's wilderness bill provides the specific language necessary to protect existing valid water rights.

It is this Board's opinion that there has been a drastic movement away from the original intent and standards of the Wilderness Act of 1964 in determining suitable areas for wilderness designation. This has resulted in an imbalance between preservation and restriction, and the need for economic and industrial development which will enable all Colorado residents to survive and prosper.

ANTHONY D. MARTIN

BOARD OF COUNTY COMMISSIONERS
ROBERT L. CARLSTROM
COUNTY OF JACKSON
WALDEN, COLORADO 80480

DENNIS V. BRINKER

The text of the following letter was sent to the members of the Colorado Congressional Delegation:

Senator William L. Armstrong
Senator Timothy E. Wirth
Congresswoman Pat Schroeder
Congressman David Skaggs
Congressman Ben Nighthorse Campbell
Congressman Joel Hefley
Congressman Dan Schaefer
Congressman Hank Brown

September 11, 1989

Dear

For years the Board of County Commissioners of Jackson County has repeatedly gone on record as being opposed to the designation of additional wilderness in Jackson County, Colorado. Prior to RARE II, during the RARE II program, and many times thereafter, the Board of County Commissioners of this sparsely populated Colorado county has informed congressional representatives that our residents feel that there is already more than enough land designated as wilderness in and adjacent to Jackson County. Members of this Board have changed over the years, but the official position regarding wilderness has not changed, and continues to reflect the desire of our constituents that there be no additional wilderness in Jackson County.

Our residents and local economy are directly and adversely impacted by continued wilderness designation as more timbered lands become unavailable to our local timber industry, and as additional local tax dollars are required to defend existing vital water rights that may be jeopardized by wilderness designation. Additionally, motorized access is prohibited within wilderness areas, and this significantly increases the burden on our local taxpayers to fund the increased costs for search and rescue operations and fire suppression efforts. Our numbers are few, and it is becoming increasingly more apparent to us that the economic well-being of this small county will be overshadowed by the political expediency of satisfying the demands and insatiable appetite of the preservationists to set aside more and more "pristine(?)" recreation lands to be enjoyed by the select few under restricted use. We have even been provided with additional designated wilderness in Jackson County courtesy of another state when a 600-700 acre strip along the North Platte River in Colorado was included in the Wyoming Wilderness Bill. Much to our dismay, it appears that additional wilderness designation is inevitable due to a forced settlement compromise that may be the only viable alternative to protect the integrity of our water rights.

Of the approximately 1,042,000 acres of total land encompassed by the boundaries of Jackson County, approximately 52% or 540,840 acres is in federal ownership and 12% or 125,837 acres is in state ownership, leaving only 36% of the total lands in Jackson County in private ownership. The federal lands are divided into approximately 333,000 acres of National Forest land, 189,673 acres of BLM land and 18,253 acres of National Wildlife Refuge lands. Approximately 75,650 acres, or nearly 23% of all the National Forest lands in Jackson County are already included in lands encompassed by five (5) designated wilderness areas. Over 66,600 acres of the 139,936 acre Mount Zirkel Wilderness, 6,659 acres of the 13,752 acre Never Summer Wilderness, 1,462 acres of the Rawah Wilderness, 700 acres of the North Platte Wilderness, and 220 acres of the Neota Wilderness are within the boundaries of Jackson County. It would seem that we have already had more than our fair share of federal lands committed to restricted use accompanying the designation of wilderness and, to a lesser degree, the creation of a National Wildlife Refuge.

Now, it is being proposed to add an additional 36,000 acres known as the Davis Peak Addition to the existing Mount Zirkel Wilderness. Approximately 24,675 acres of this proposed addition are located within the boundaries of Jackson County, and if this additional acreage were to be designated, it would result in over 30% of all National Forest lands in our county being committed to restricted use. When is enough really going to be enough? Are we going to continually commit timbered lands to create buffer zones to lands having true wilderness characteristics and continue to extend boundaries of designated wilderness right down to the edge of man's present activity? Will wilderness boundaries be pushed right to the edge of the present extent of timbering activities, thereby effectively precluding any future timber sales and essentially destroying the local timber industry? This certainly appears to be the case with the proposed boundaries for the Davis Peak Addition. Granted, not all timbered lands in the Davis Peak Addition may be suitable for timber management activities, but each and every acre of renewable timber resources that is locked up and foregone has a devastating cumulative impact on our local timber industry, which is very important to the economy of this rural county. Approximately 15% of Jackson County's total labor force, both male and female, is directly associated with our local timber industry. In 1988, $4,600,000 was infused into our economy from the local timber industry through payroll, direct company paid benefits, and payments to logging contractors.

It always seems ironic that areas initially inventoried in Jackson County as having unique wilderness attributes and deemed potentially suitable for wilderness designation by professionals on the ground with knowledge of the local area never shrink in size, but with the passage of time, almost invariably expand outside the initial study area boundaries. All recent proposed boundaries for the Davis Peak Addition go far beyond the original boundaries of the Davis Peak Further Planning Area established by Congress and subsequently recommended for inclusion by the United States Forest Service. Apparently, each proposer of a boundary feels that he has more extensive knowledge of the actual ground conditions than that of the United States Forest Service personnel who have first hand knowledge of the area. In the case of the latest boundaries for the Davis Peak Addition proposed by Senator Wirth, the boundaries enclose clear cuts, areas with jeep roads crossing the terrain, and even a developed water supply system for the Big Creek Lakes National Forest Campground.

Evidently this area can still be considered unspoiled "untrampled land" without the physical evidence of man, because the jeep roads can be discounted, as they can be reclassified under the double standard as "ways". Evidence of these jeep roads is less evident because of road closures necessitated by the designation of the Davis Peak Further Planning Area. Even though these roads will be discounted as "ways", to the best of our knowledge, there has not been a double standard developed that will provide means to overlook clear cuts and developed water systems.

Many of the county's residents and visitors to the North Park area enjoy our public lands by motorized access. Snowmobiles, jeeps, motor bikes, and other off-road vehicles provide the means for many people to use their limited recreational time to enjoy our National Forests and other public lands. Motorized access is one of the only ways many handicapped and elderly Americans can enjoy some of the natural beauty of our national forests. Much of this motorized access can be provided by the so called ways which do not despoil their "wilderness" experiences. Statistics show that one of the highest uses of the National Forest is by people driving into the area to observe the natural foliage changes in the fall. The Davis Peak Area lends itself to this type of dispersed low intensity motorized recreation which would be precluded with wilderness designation.

Because of the potential adverse economic impacts associated with wilderness designation, the contention of this Board that the Davis Peak Addition does not have unspoiled unique wilderness attributes, and the fact that the Davis Peak Area can provide for dispersed motorized recreation, this Board would strongly urge you to exclude all of the Davis Peak area from any new Colorado Wilderness Legislation to be introduced in the future.

This Board realizes that in many areas of the State of Colorado, additional wilderness designation is desired by the local citizens of an area because they feel it will be economically beneficial to their area. In those areas where there is widespread local support for additional wilderness designation in the immediate vicinity, and where there will not be adverse economic impacts to the local economy, additional wilderness designation should receive Congressional attention and action, provided that there is very explicit and concise wording in the proposed wilderness legislation to protect and preserve existing valid water rights.

This Board is well aware of the extensive negotiations and hard work of the Colorado Water Rights Negotiating Team in developing settlement principles which would allow Colorado to designate additional wilderness, recognize water rights for headwater wilderness areas, but, which would at the same time preserve our ability to develop and manage our water resources. This Board is in basic agreement with the settlement principles; however, this Board can not agree with nor support the inclusion and designation of the Davis Peak Addition to the Mount Zirkel Wilderness as a portion of the approximately 750,000 acres proposed for additional high altitude headwater wilderness.

Because of the Sierra Club law suit asserting the creation of federal water rights in the designation of wilderness and the decision of Judge Cane, it is imperative that water rights for wilderness areas be very specifically worded and properly handled so as not to be destructive to Colorado's long established water rights system. Congress must, through concise language and legislative action, establish the principle that in all future high altitude headwater wilderness creations for Colorado the only federal water rights established are those which are expressly stated in the designated legislation. Such headwater wilderness designations must be derived from a bona fide Congressional determination that Colorado's present and future needs for water for its economic health and sustenance are not impaired. Any such express reserved water rights for these designated headwater wilderness areas should be quantified and adjudicated in the courts of the State of Colorado under precise standards for federal reserve water rights as articulated by the United States Supreme Court. These reserved rights would have a reservation date as of the date the wilderness legislation is enacted, and these rights should be subject to the presidential authority of the Wilderness Act.

Congressional legislation that would create express reserved water rights for headwater wilderness areas must be expressly worded so as not to create any type of precedent for water rights for downstream non-headwater areas where portions of the stream above the areas flow through nonfederal land or federal land which has not been designated as wilderness. As wilderness areas are moved downstream from the headwaters, problems compound, and the impacts become increasingly more severe. Reserved water rights for the non-headwater, downstream wilderness areas would significantly limit Colorado's ability to develop new water supplies, administer existing water diversions, and the effective management of Colorado water resources through trade and exchanges. Non-headwater downstream federal wilderness water rights could "call" needed water past communities, commercial developments, and agricultural operations upstream from the wilderness area. This would severely hamper the local areas and the overall state from diversifying their economic base and future needs. Downstream non-headwater wilderness areas with reserved water rights would also severely impact interstate water compacts and equitable apportionment entitlements. Because water rights associated with non-headwater downstream wilderness areas were not thoroughly analyzed and considered in the past Congressional wilderness legislation, we here in Jackson County now have the dubious distinction of having the only downstream wilderness area in the State of Colorado, the North Platte Wilderness. A federal reserve water right for this non-headwater wilderness would be devastating to our local area, and could stop any future development or use of water apportioned to Colorado as the result of past expensive litigation with the states of Nebraska and Wyoming. The only way Colorado can accomplish the use and development of all the waters to which it is entitled under the equitable apportionment decrees of the Supreme Court for the North Platte is to disclaim federal wilderness water rights for this downstream wilderness. A downstream water right for the North Platte Wilderness would put our water rights administration system into chaos and adversely affect all future developments above this wilderness area, which could be perceived as affecting either stream flow patterns or water quality. Our county citizens must have the option in the future to develop water storage for our agricultural industry and develop our entitlements for future drinking water, jobs, and recreation. Any new Colorado wilderness legislation must specifically and clearly state that there are no implied or express water rights for wilderness purposes attached to the waters of the North Platte River within Colorado.

Any new Colorado wilderness bill should not convey any message or intent that any implied water rights exist in any of the already designated Colorado Wilderness Areas. Implied wilderness reserved water rights only lead to confusion, uncertainty, and expensive litigation. Also, any new wilderness legislation should be very clear that nothing in that legislation can be construed in any way to suggest that Congress reserved water for any previously designated wilderness areas within Colorado. A new Colorado wilderness bill should also very clearly provide for statutory reasonable access and means of access for the construction, completion, operation, repair, maintenance, or replacement of water facilities needed to exercise water rights in existing designated Colorado wilderness areas, or in any new wilderness areas designated by the new act.

It is this Board's opinion that there has been a drastic movement away from the original intent and standards of the Wilderness Act of 1964 in determining suitable areas for wilderness designation. This has resulted in an imbalance between preservation and restriction, and the need for economic and industrial development which will enable all Colorado residents to survive and prosper. This Board would strongly urge you to consider all our comments during the congressional consideration of any new wilderness bill for the State of Colorado. We also expressly urge you to exclude the Davis Peak Addition to the Mount Zirkel Wilderness from this bill.

If you have any questions regarding the enclosed, or desire additional documentation, please do not hesitate to contact us.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
JACKSON COUNTY, COLORADO

Robert L. Carlstrom
Robert L. Carlstrom, Chairman

Anthony D. Martin
Anthony D. Martin, Commissioner

Dennis V. Brinker, Commissioner

JACKSON COUNTY ADMINISTRATOR

Wm. Kent Crowder
Wm. Kent Crowder,
Administrator

BCC/WKC/ls

xc: Colorado Congressional Delegation
Colorado Senator David Wattenberg
Colorado Representative Dan Williams
Club 20
Colorado Water Congress
Wilderness Impact Research Group
Jackson County Star
Rocky Mountain News
Denver Post

TESTIMONY OF M. BUIE SEAWELL
before the
Senate Energy and Natural Resources Committee's
Subcommittee on Public Lands, National Parks and Forests
regarding
Senate Bill 1343
sponsored by
U.S. Senator Tim Wirth, D-Colo.

October 28, 1989
Denver City-County Chambers
1425 Bannock
Denver, Colorado

The water issue is a major roadblock, but current politics are also worth a brief comment. U.S. Sen. William Armstrong opposes the Wirth bill, and U.S. Rep. Hank Brown so far has taken no position on the issue. Sen. Armstrong is not running for re-election. He can afford to pass the hot potato to his successor. Rep. Brown, on the other hand, must take a position. It would be best for all concerned if he did it soon.

I agree with Sen. Wirth that since these proposed additions to Colorado's dedicated wilderness lands have been studied for almost nine years, we should act now to protect the areas before inappropriate developments rob us of the opportunity we have to protect our wilderness heritage.

We have studied this crucial issue long enough. Those nine years of study have been more than adequate to address all the issues, including water rights. The bill's provisions in this area amount to the best possible water statecraft.

Although I agree that it is appropriate for wilderness areas to have their own water rights, it makes sense to honor all existing water rights within the proposed areas. The bill provides for that. The federal government will have to stand in line with everyone else for water rights.

In my opinion, the most important single fact to keep in mind about this legislation is that it applies only to headwater areas under jurisdiction of the U.S. Forest Service. No downstream areas are included and no precedent is set for the controversial issue of what water rights such areas would have should they be designated in the future.

The question of downstream areas should be left for consideration when or if downstream Bureau of Land Management study areas are proposed for wilderness designation. I acknowledge that there are some 74,000 acres of high-elevation BLM lands that would be added, under the provisions of Sen. Wirth's bill, to existing Forest Service wilderness areas. I understand there are no known water conflicts in these areas. The areas were a part of Sen. Gary Hart's wilderness proposals when I was his executive assistant in the early 1980s. Most of this same acreage was also a part of U.S. Sen. William Armstrong's 1986 wilderness bill. The major question is over BLM areas downstream.

Those who wish to fight about the downstream BLM lands issue should save their ammunition until there are active wilderness proposals that affect those lands, rather than killing Colorado's immediate opportunity to preserve its most fragile and valuable natural asset, high mountain wilderness.

The question of any upstream conflicts is also addressed in Sen. Wirth's bill. There are none. There is one diversion structure in the Service Creek area and I understand that the owner of that water right has agreed to having a junior wilderness water right downstream from his structure. There are also a number of active water rights in the Piedra area and, consequently, it has been left in study status.

Water users downstream from wilderness areas have always benefitted from the natural protection guaranteed by the pristine nature of the land. Wilderness designation adds muscle to that protection. The bill in question provides that any wilderness water rights are non-consumptive. Downstream users will lose no water. All existing water rights conflicts were identified when this legislation was being drafted, and the proposed boundaries were modified to accommodate them.

Another frequent complaint in wilderness discussions is that states do not like federally mandated programs pushed on them. The Wirth bill provides that Colorado's state water court will determine how much water the wilderness areas are entitled to receive.

It is a thin argument, at best, that uses water issues to hold this compromise measure hostage. The facts are there to read and study. They are clear and simple.

THE TIME-WORN ARGUMENTS

Historic opposition to wilderness preservation has been stubborn, in some cases obtuse. The classic argument of a quarter century ago, when the Wilderness Act was signed into law, was that wilderness designation "locks up" land to development and general recreational use. An example of that time-worn argument goes: "If wilderness designation happens, hunting and fishing can't."

That position usually is taken by people who either do not take time to read the proposals, or who refuse to acknowledge the facts when they do read them. The basic reason for wilderness designations is to protect the areas from the kinds of development that prevent people from enjoying them in their natural state. Hunting, fishing, hiking, backpacking and scientific study are all appropriate and popular types of wilderness enjoyment.

The Wirth bill proposes adding 750,000 acres to Colorado's existing 2.6 million acres of designated wilderness. That is certainly not too much to ask of a state whose reputation is most often associated with its spectacular scenic and recreational resources.

Wilderness is not simply an aesthetic, philosophical concept. In Colorado it is a significant part of our economic base. The fishing, hunting, backpacking and other backcountry recreation it offers is a lure to outdoors enthusiasts from around the world. Wilderness designation protects watersheds and, where active permits exist prior to designation, offers the best possible natural grazing for livestock.

I believe the proposal that Sen. Wirth has offered is in the best possible spirit of compromise. It offers Colorado an excellent chance to move ahead, to catch up to our Rocky Mountain neighbors in meeting our responsibility to protect some very special natural resources. It is time to stop playing games with Colorado's wilderness.

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MR. MURRAY POPE
PO BOX 475
SNOWMASS, CO 81654

Statement in support of S.1343, The 1989 Colorado Wilderness Bill, at the Senate Subcommittee Hearing.
Denver, Colorado. October 28, 1989

I strongly support this Bill, introduced by Senator Wirth. I will emphasize a few points :-

1. All the areas in this Bill have been thoroughly researched and evaluated and all are qualified for Wilderness designation.
2. Tourism is rapidly becoming the prime and stable factor in Colorado's economy. Protection of our natural resources from exploitation and degradation is essential to this trend and Wilderness designation is essential to achieve this protection over the long range.
3. All valid and controversial water rights questions are addressed and reasonably resolved by this Bill.
4. Speaking as a Senior Citizen, I believe we must protect this land for future generations and not give in to the demand for short-term profits for a few. We don't need mechanized transport to every corner of our land.
5. Wilderness designation keeps the land open. It does not "lock it up" the way often subsidized logging and the extraction industries do.

This is a sound bill. The time to protect these valuable natural resources is NOW. Surely, adding an additional 1% of the state's total land to the Wilderness system is not asking too much.

I personally, therefore, respectfully urge this Committee to ensure swift passage of this Bill. Thank you.

Murray Pope

Senate Energy Committee Hearing:
Colorado Wilderness Bill:

October 28, 1989

Three major Wildernesses surround the area where I have the good fortune to live, the Maroon Bells/Snowmass, the Hunter/Fryingpan and the Collegiates Wildernesses. In a tourist oriented community, it is obvious to all what an important role these protected lands play in the economy of the valley.

For the past twenty years, I have been involved in working to acquire more Wilderness and in the preservation and protection of this important resource. I know much of these Wilderness areas intimately and each year I see an increase in the number of visitors to these lands. People come from all over the country and the world to enjoy the countless values they offer. I often talk with them while hiking the trails. They always, without exception, cannot say enough about the beauty they have experienced; their appreciation of the opportunity to get away from their urban schedules; but most of all, to know that there are still bits and pieces left of their natural heritage. Foreign visitors, especially, are amazed that this country had the courage and foresight, 25 years ago, to set aside these lands as designated Wilderness, "where man is a visitor, who does not remain". (Quoted from the Wilderness Act)

As the population continues to grow, these bits and pieces are becoming more and more important. Recreationally, millions of fishermen, hikers, campers, hunters, photographers, picnikers, outfitters and skiers recognize their *value*; the scientific and educational community knows the *value* of preserving these individual ecosystems with their wildlife and plant diversity for the benefit of future generations; a town or city with a nearby Wilderness knows the economic *value* of this trememdous tourist attraction; those who frequent the Wilderness knows the intangible *values* that can't be measured in dollars and cents; and *now*, the scientists are saying that the forests, watersheds, meadows, streams, and vegetation of Wilderness lands left in their natural state, as required by the Wilderness Act, will help slow the global warming of the planet. All are very compelling reasons to set aside as much Wilderness as we possibly can and now, Colorado has its *last* opportunity to do just that.

750,000 acres have been waiting for almost a decade to be designated Wilderness. Conservationists have reluctantly agreed to give up some areas and now, compromise legislation has been introduced by Senator Wirth which resolves the Federal Water Rights issue. In Senate Bill 1343, senior water rights are protected, downstream area water rights are determined *before* an area is designated and there will be adjudication of federal rights in state water court. There is no reason to wait any longer. This is Colorado's last chance to save these lands which still qualify for Wilderness before the short-sighted developers--the oil and gas drillers, the off-road vehicle users and the timber cutters remove them forever from Wilderness consideration. A narrow minded development oriented minority should not have this opportunity when 85% of Colorado residents have said they want *more* Wilderness.

I therefore, urge the immediate passage of Senator Wirth's Colorado Wilderness Bill.

Dottie Fox
Box 545-Snowmass, Co. 81654

ASPEN WILDERNESS WORKSHOP INC.
box 9025 aspen colorado 81611

Senate Energy Committee Hearing: October 28, 1989
Colorado Wilderness Bill:

The Aspen Wilderness Workshop is a membership organization of approximately 150 participants, which for the past 26 years has been deeply and actively involved in working for the acquisition, protection and appropriate management of Wilderness areas in Western Colorado.

The Wildernss Workshop believes the time is NOW for passing S1343. The 19 areas recommended all have the outstanding characteristics necessary for Wilderness inclusion. All have been thoroughly researched. All are are completely qualified.

The chief stumbling block for Wilderness designation for the last six years has been the question of federal reserved water rights. This bill resolves every valid concern for the protection of development and agricultural interests. Included are protection of water rights senior to Wilderness designation, designation of headwaters areas only. Downstream rights would be determined before designation.

We wish to emphasize that, in the past, the water rights issue has been given as the chief reason by Wilderness opponents in refusing to allow a meaningful bill to be passed. It is apparent that some interests still oppose this bill. Therefore it becomes evident that the water question was merely an excuse and that these interests opposed Wilderness for other reasons.

We feel that it is becoming increasingly evident that tourism, and recreation in general, is emerging as the most dominant and stable economic factor for the entire state for the foreseeable future. It is also obvious that preservation of our natural resources is essential to tourism and to the economy in general and that Wilderness is a vital part of this picture.

Contrary to the mythical idea that Wilderness designation "locks up" the land, the exact opposite is true. Wilderness offers the only true multiple use--"the highest use for the most people."

Development of any kind, such as the usual subsidized timbering, oil, gas and mineral exploration and mechanized vehicle use truly "locks up" the land for special interests, exploiting and destroying the natural resources, which are dwindling at an alarming rate.

Therefore the Wilderness Workshop believes that bill S.1343, introduced by Senator Wirth, is a sound bill, that it is a desperately needed bill, that the water rights provisions are entirely reasonable, and that this protection for our important Wilderness heritage is long overdue.

We respectfully and strongly urge this committee to take appropriate action to expedite passage of S1343 in its entirity.

We appreciate the opportunity to testify in this matter.

Susie Ellison-President
Aspen Wilderness Workshop

My name is Patrick Carter and I would like to testify in favor of Sen Wirth's Wilderness bill

I am a Colorado native, growing up in the Broadmoor district of Colorado Springs, which was then a town of 40,000. As a child the mountains to the west were a great and mysterious wilderness to me and to the east ~~was~~ were the plains and New York. As I grew older this wilderness functioned as a teacher to me and as a constant source of wonder.* I spent my summers in the Buena Vista area fishing the Arkansas river and climbing in the Collegiate Peaks. I found challenge excitement and gained much direction for my life.

When I was 18 I went on Outward Bound in the area around Red Cloud Peak in the San Juan Mountains for 30 days. This time created ~~in~~ ~~me~~ a new balance between wilderness and civilization in me. I developed a never ending affection for roadless expanses of forests, canyons and mountains

In following years I explored the western United States, New England, British Colombia and took a tour ~~of~~ Europe. Of all these places what most impressed me was, the Empty Fullness of the vast wilderness areas of Montana, British Columbia and Alaska

8 years ago after College and graduate school in New England I returned to live in Salida [Much had changed in the 10 years I had gone. Colorado Springs was a city of over 300,000. Vail, Copper mountain, ~~and~~ Keystone, ~~had sprung up and~~ and countless other ski areas had sprung up in mountain Valleys and become established. Colorado was becomming civilized at an incredible rate. (Pause)]

In Salida I make my living as a Ski Patroler in the winter and as a white water Rafting guide in the summers. I also teach literature at Colorado Mountain College at night. While living in Salida I have continued to examine my values and the values of Colorado. I have watched the battle between commercial development and wild country. ~~and~~ I have seen that visitations from all over the United States and the world have increased and with the help of technology more and more people are visiting the mountains and wilderness areas. In Colorado the wilderness is dissapearing, becomming isolated to small islands.

I have visited the Fossil Ridge ~~proposed area~~ and the Buffalo Peaks proposed areas, and I climbed in the Sangre de Cristo mountains. These areas along with the West Needles District in the San Juan ~~San Juan Mountains which contain the Needles as well proposed areas~~ are like parts of me and I believe ~~deserve~~ should remain wild. For their beauty, for their wildlife, for their water, ~~for there~~ and for the people of this state they should be designated permanent wilderness areas

Wilderness is a commercial

aesthetic and spiritual asset to the state of Colorado. I hear it every year from the thousands of visitors I meet on the ski slopes and floating down the Arkansas. It is also an important symbol. Americans have long had a close relationship with wilderness. America was forged from wilderness and wilderness has shaped much of our art, literature and politics. The wilderness movement started in America and now has become important world wide, but its importance to me exists right here in Colorado where I spent my childhood and where I live now. As a childhood fantasy land, as an important teacher and now as a world wide movement wilderness has affected me all my life. I believe that wilderness in Colorado needs to be designated, expanded and protected for the future of our state. I encourage the passage of this bill.

Thank You

TESTIMONY ON THE COLORADO WILDERNESS ACT OF 1989 (S - 1343)
THE UNITED STATES SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
OCTOBER 28, 1989

Thank you for permitting me to address the Subcommittee on Public Lands, National Parks and Forests.

My name is Richard Hamilton

I reside in Shawnee, Colorado in Park County. The community of Shawnee is some 55 miles west of Denver.

Four miles north of Shawnee, across the North Fork of the South Platte River, lies the Mt. Evans Wilderness Area. And about one and one-half miles south of Shawnee is the boundary to the Lost Creek Wilderness Area. Both designated Wilderness Areas, comprising 180,000 acres, were placed into the national Wilderness inventory with the signing by then President Carter, of the Colorado Wilderness Act of 1980.

The nationally reknown Colorado Trail passes through the Lost Creek Wilderness Area.

I come before you today to request that this Subcommittee favorably consider and actively endorse the passage of S-1343 which would add 11,000 acres to the Lost Creek Wilderness Area, and would create the new Buffalo Peaks Wilderness Area of 58,000 acres. Both these additions to the national Wilderness inventory would be within Park County.

Park County is a magnificient land of 2166 sq. miles at the very center of Colorado. The South Platte River is born in Park County. It is a land of vast plains at 10,000 feet, with the northern mountains being the Continental Divide. Over thirty peaks surrounding South Park are over 13,000 feet in elevation.

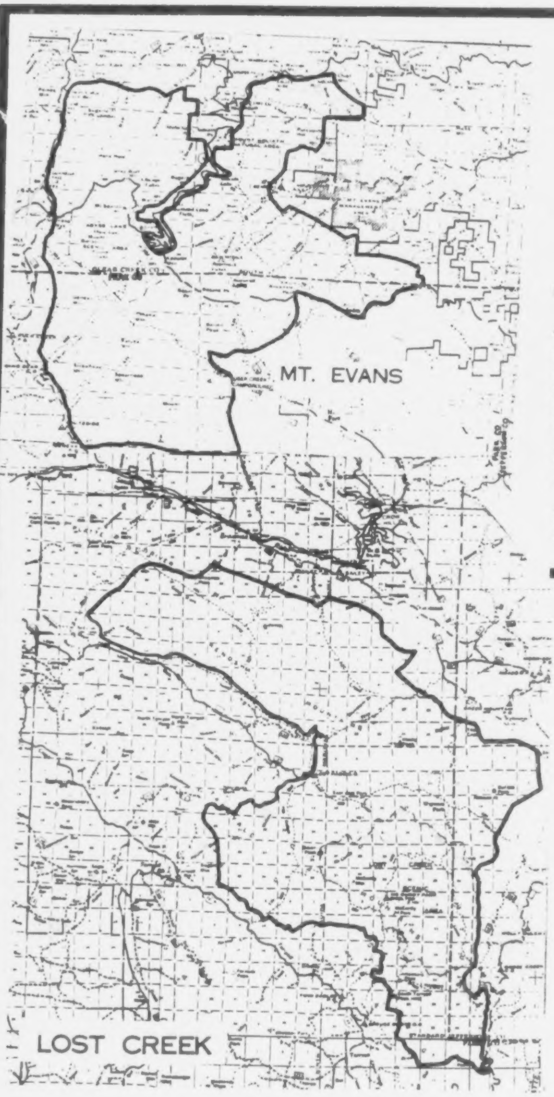
Ranching, tourism, wildlife, mining, fishing, history, and service industries provide Park County's economic base. Approximately 7000 residents in Park county welcome over 400,000 visitors per year to our fishing waters alone. Its lands and waters are among the most exhilarating I have witnessed.

The proposed additions to the national Wilderness inventory by the adoption of this legislation will add 69,000 acres of wilderness to Park County while not interrupting water, mineral, grazing, or recreational economic objectives. Park County will benefit enormously by the pruposes of S-1343.

In 1934, Aldo Leopold, writing in the Journal of Forestry in the essay Conservation Ethics, stated, "A harmonious relationship to the land is more intricate, and of more consequence, than the historians of progress seem to realize. Civilization is not, as they often assume, the enslavement of a stable and constant earth. It is a state of mutual and inter-dependant cooperation between humans, other animals, plants, soils, and non-living elements which may be disrupted at any moment by the failure of any one of them.....It become a matter of some importance, at least to ourselves, that our dominion over land, once gained, be self-perpetuating rather than self-destructive." Wilderness ethics enable conservation.

I urge favorable consideration by this Subcommittee of the United States Senate of S-1343.

Thank you for this opportunity to express my opinion.



Park County was the recipient of approximately 180,000 acres of new wilderness areas as President Jimmy Carter signed the Colorado Wilderness Act of 1980 into law Monday. The signing of the Colorado Wilderness Act formally emplace the Mt. Evans Wilderness Area (73,000 acres) and the Lost Creek Wilderness Area (106,000 acres) into the existing inventories of wilderness areas in the United States.

The Act added more than 1.4 million acres of wilderness from Colorado's lands to the national system. The new tracts more than double the amount of land in Colorado to be kept in primitive conditions free from development or motorized access.

The two new wilderness areas in Park County involve undisturbed lands that have been under study by Federal, state and local planning units for inclusion into the wilderness system.

WILDERNESS HEARING STATEMENT (S. 1343)

During the summer of 1988 my wife and I resigned from our respective jobs and moved from the Chicago area to Colorado. Approaching Denver, we picked up a radio program discussing the problems at the Rocky Mountain Arsenal and hoped that it could be cleaned up without adversely affecting the population.As residents of Colorado, we,in time, learned about clear-cuts, damns, and radioactive wastes. After discovering these Colorado "assets" we wondered how any people so close to the natural beauty of the Earth could so easily plunder it. It is with these thoughts in mind that both my wife and myself support Senator Wirth's Wilderness Bill (S. 1343), to save Colorado's true assets, the wilderness areas.

Respectfully,

Punit & Karol Kalra

Most people feel a need for what wilderness can offer;

a place to get away from pollution, overcrowding, other people; and a place to hike, camp, fish, hunt, mountain climb, take photos, whatever.

Without protection, commercial interests would exert pressure by promising jobs to everybody and soon there would be more roads, ski areas, Condomminiums, clear cutting, and mining. The attraction of the area would be lost.

I think wilderness should be saved for future generations to inherit - hopefully, they will appreciate its value more than some of us do today.

Besides thinking of peoples need for wilderness, we should remember that other living things (animals and plants) need wilderness to help insure their survival. I think if we only think of peoples interest in either protecting or not protecting wilderness, we are being selfish + unfair. I think that animals living in wilderness areas should have some rights to their natural habitats. Even plant life and (this may sound strange) mountains, rivers, and other non-living natural things should have some rights to a natural existence free of human interference.

We interfere with wilderness because we consume so much natural resources that we keep looking for new supplies of raw materials when we should be focusing on conserving our existing supplies and on re-cycling materials. We also don't need to live in wilderness areas - we would soon turn them into rural and then suburban communities. We just should leave them there in a natural state so we can go there when we feel the need.

In summary, I think that people today need wilderness, and future generations will probably need it even more than we do today - when even more the world is populated + developed, wilderness will be like a nice park in a big city.

Also, animals + plants [illegible] [illegible] need wilderness, and perhaps the natural landscape needs to be left untouched by humans in some places.

I hope Congress will consider these thoughts and others supporting Senator Wirth's [illegible] proposed wilderness Bill.

Peter Schummer

Peter Schummer
4564 E. Mexico Ave
Denver, Co. 80222
759-5457

Steve Priem
140 S. 31st St
Boulder, Colorado
80303

I support The 1989 Wilderness Bill. (S 1343)

I manage a cabin near Brainard Lake for The Boulder Group of The Colorado Mountain Club. It is used primarily in The Winter as a warming hut for cross country skiers.

The Indian Peaks offer a dramatic vista to The skier and a shelter from Societies pressures. From The Mountain Passes of The Indian Peaks one can see The island nature of This reserve. We need bigger islands.

The Forest Service Timber cutting policies give Lip service To reforestation while giving our Forests To Timber cutting industries at Less Than The cost of managing These Lands

In Traveling This summer through several national forests in Colordo, Wyoming, and Montana I was amazed at The clear cutting practices promoted by The Forest Service.

The mountain Terrain was being Turned into a checker board Landscape of patches of Trees.

In The Bighorn National Forest, reforesting of Large forest Fire areas was apparently Being supported by Local womens axuillary groups, not The Timber Cutting industries whose livlihood apparently would depend on ~~pro~~ sustainable forestry practices.

over please

The Rio Grande National Forest in southern Colorado has vast tracts of clear cut terrain that show few signs of recovery

Regarding oil and gas exploration in these proposed areas ~~wont~~ will not turn [illegible] ~~then~~ an energy addicted nation on for any period of time.

Colorado is for sale. Who is Buying it? Japan - Japan/Steamboat Springs Japan/Breckenridge, Japan/Crested Butte. Make more than 6% of this state unsaleable.

I support alternatives to existing land use policies. I support this legislation as a minimal effort to preserve a quality environment.

Thank you.
Steve Priem

October 28, 1989

Senator Tim Wirth
Vice-Chairman
Subcommittee on Public Lands,
  National Parks and Forests
Denver, Colorado

Dear Mr. Chairman:

My name is Diane Emerick and I live in Greeley, Colorado. As a lifetime resident of this state I have watched the land change as our population increased and industries grew, moving from the Front Range ever westward. Some people view such growth as inevitable; I believe we have a choice. The fruits of expanded logging, mining and even indiscriminate recreational use can never offset the lost wilderness that our grandchildren may never experience. To prevent such exploitation, whether by government or private development, parcels of land representing a larger percentage of our state must be set aside in wilderness areas immediately.

Wilderness inspires joy, wonder, respect and intense feelings of connection with the land and the other creatures with whom we share this earth. It immerses us in a sense of relief that we are not as alone and isolated as we often believe. We cannot walk away without taking back a sense of optimism--a belief that the same qualities found in the unspoiled wilderness may still exist in the human race. But we cannot continue to only take from the land--we must "give" it the right to be, unburdened by the machinations of man.

We cannot maintain our lifeline to the land while dissecting the very ecosystems that support us; to attempt to manipulate the land to suit our own purposes is both arrogant and presumptious. The true value of the land lies not in what man can make of it, but in what God has made of it. Wilderness cannot be bought or sold, quantified or figured into an statistical equation. Its value does not lie in taking it apart and auctioning it off to the highest bidder, bit by bit. We cannot hope by such piecemeal management to match what has taken millions of years to evolve under the Creator's hand. Artificially managed lands evoke equally artificial responses from human visitors, and offer no refuge from the alienating technology so prevalent in today's society.

We cannot see what makes this land so special on a US Geologic Survey, in aerial photographs or even from a helicopter. Wilderness must be experienced. It awakens a memory of what it really means to be alive, of the wild yet harmonious spirit that keeps the unique and pristine landscape in perfect balance, teeming with life. Wilderness commands awe and delight, clearing the mind, cleansing the soul and opening the heart to hope--a niche in the ecosystem of the human spirit as sacred as any church.

If we choose consumerism and profits over preservation of the earth, we may hurt ourselves more than the land. We need its wildness to remind us of our roots and lead us away from self-destruction. We must have the insight and courage to align our priorities not only with environmental realities, but with the whisperings of our hearts. It is a choice we must all make eventually.

I support S. 1343 because it acknowledges the importance of our natural heritage while addressing the interests of all citizens of the State of Colorado. It adds wilderness lands now and provides procedures for future designations. But most of all it preserves that part f ourselves we cannot afford to lose.

Sincerely,

Diane K. Emerick

Diane K. Emerick
1411 28th Street Road
Greeley, CO 80631

Statement

I am speaking in support of Senator Worth's wilderness (~~bill~~) legislation. We live in a world whose environment is under seige by it's dominant life form, human beings. For the sake of our continued success and prosperity we are polluting the air, destroying the ozone layer, causing our planet to heat up, and destroying vital rain forests at an alarming rate. The fate of our species is in our own hands. If we do not stop destroying our planets biosphere we will not survive. I believe that the United States must be a world leader in the fight to protect our own environment.

Senator Worth's legislation offers us one (~~such~~) opportunity to do just that. By passing this wilderness bill ~~we~~ you can preserve 750,000 acres of prime wilderness for posterity. It is a small, but vital step toward saving our world. We do not know how much wilderness area must be preserved in order that our environment will remain hospitable to human life. We do not know how much human development or explotation of these areas is too much. However with the fate of humanity in the balance, it makes perfect sense to protect as much of our wilderness areas as possible.

I ask you, Senators, to go down in history as legislators who possessed the foresight and courage to make the tough decisions which ultimately saved our world, or at least our place in it.

As a wiser man put it " ~~Th This planet is the planet one species~~

This is the planet on which our species grew up. This is the planet from which, with luck, we will step towards the stars. If we survive, and make it up there it will be because we have aquired a new ~~[illegible]~~ measure of wisdom, and perhaps by then we will be worthy of the long and cosmic trip.

Senators, passing this bill will not, of itself save the world. It will not stop the destruction of the rain forest. But it will show that we are determined to ~~(make)~~ protect our envirnment in every way we can. Step by step we will make the decision to stop destroying our world, and choose to save it instead. Senators I urge you to pass this legislation. Thank you for your time.

Sean Smith

Senator Tim Wirth has proposed the addition of approximately 750,000 acre to the already existing 2.6 million acres in the Colorado wilderness system. I am opposed to any further addition of lands to the wilderness system for the following reasons:

1. Back country usage has declined by 50% over the last decade. According to National Park Service accounting, 2.4 million people used park service wilderness in 1979; 1.6 million used it in 1988. In Colorado Rocky Mountain National Park issued 62,000 permits in 1977, 34,413 were issued in 1988. Declining usage does not indicate a demand for more lands to be locked away in the wilderness system.

2. Preservationist groups perceive wilderness as a place for urbanites to get away from the pressure, stress, and demand of everyday living as experienced in the today's big cities. Forest Service records show the vast majority of recreation by all national forest user groups is drive-through traffic--the Sunday afternoon drive to the mountains. Drive-through traffic accounts for over 80% of all recreational use.

3. Senator Wirth and the Democrats tout themselves as the friend of the poor, the laborer, the down-trodden. With the tying up of 750,000 additional acres for single use and a philosophy of "attraction not extraction," Senator Wirth and his party have aligned themselves with an elitest society, not the working man, not the retiree and the elderly, not the disabled veteran. These people do not use wilderness; they use roads and developed campgrounds. Wilderness set asides are for the young, upwardly mobile, professional, the yuppie, earning more then $40,000 per year in salary.

4. The "attraction not extraction" attitude being supported by Senator Wirth and Gov. Romer is trading the working man and his "decent jobs at decent pay" for the glitz of Aspen and Vail. They are two communities where workers employed by the recreation/tourist industry have to live 40 and 50 miles from work because they cannot afford to live in either town. In a recent letter, September 25, 1989, from Gov. Romer to the forest supervisor of the Grand Mesa, Uncompaghre, Gunnison National Forests, the Governor advocated less harvesting of timber because of a precieved conflict between harvesting and recreation. He was emphasized the $15 million payroll, 1,800 jobs and 7% of the workforce that tourism brings to the economy of Colorado's Planning Region 10. This was compared to $14.3 million payroll, 950 jobs, and 4.1% of the workforce for timber processing, transport and removal industries. What was conveniently left out was the hourly wage differences of $4.05 per hour for tourism versus $7.31 per hour for timber processing etc. These rates are based on the Governor's own figures.

5. A few weeks ago nearly 250,000 plus people demonstrated in Washington D.C., for affordable housing. Wilderness locks up valuable

acres of forested timber lands. Due to supply and demand this will result in higher lumber prices, thus putting the American Dream further out of reach for millions of families. Americas timber resources are a renewable resource and should be managed as such.

6. According to the preservationists, Colorado's forests are old growth. To rephrase this Colorado's forests are decadent and dying. When wood deteriorates it gives off carbon dioxide. Carbon dioxide is one of the major factors in global warming. By advocating the preservation of vast acreages of old growth forests, the "attraction not extraction" crowd enhancing the greenhouse affect. This carbon can also be stored in wood used as lumber for houses, furniture, bridges and a number of other permanent uses thereby keeping it out of the atmosphere. Senator Wirth's proposals seem to be in conflict with each other.

Young, healthy, growing forests use carbon dioxide. The key words here are young, healthy, growing forests.

In summary Colorado doesn't need more wilderness. Colorado needs better, more affordable, more accessible recreation areas. Colorado needs jobs that pay more than $4.05 per hour. Colorado and America needs more young, healthy, growing forests for more affordable housing, less global warming, and a cleaner environment.

Sincerely,

Mark B. Horvat, Jr.
3200 North County Road 25E
Bellvue, Colorado 80512
303-484-6841

Louisiana-Pacific Corporation

P O Box 949
Kremmling, Colorado 80459
303/724-3405

Comments on S.1343 to the Public Lands Subcommittee of the Senate Energy and Natural Resources Committee in Denver on October 28, 1989.
by Gary Ullman.

I am here today to testify on behalf of Louisiana-Pacific, for our Kremmling and Walden operations. In 1988 we employed 361 people as direct employees or contractors at these two wood processing plants with a total payroll in excess of 6 million dollars. The vast majority of our raw material is timber harvested from the Routt, White River, Arapahoe-Roosevelt, and Medicine Bow National Forests. We therefore are extremely anxious about the outcome of wilderness legislation on National Forest Lands.

We are convinced that Senator Wirth's Wilderness Bill, S.1343, is a bad bill and will harm the resource using industries, the economy, the forests, and the people of Colorado. We can speak with some authority about the impacts this bill will have on the timber industry and I believe I can specifically address how it will impact our businesses in Kremmling and Walden.

Our working area, that is the area in which we can normally expect to purchase timber, encompasses approximately 155,000 acres in areas proposed for wilderness by Senator Wirth. These include Davis Peak, Saint Louis/Vasquez Peaks, Service Creek, and Williams Fork proposed wilderness areas. According to U.S. Forest Service inventory data, these four areas presently contain in excess of 1 billion board feet of standing sawtimber and have the capacity to sustain a harvest of 15.5 million board feet annually for perpetuity. 15.5 million board feet would supply a shift year-round at Walden.

Particularly troublesome with S.1343 is the expansion of wilderness boundaries beyond the original wilderness study area (WSA) and further planning area (FPA) boundaries, and in some cases, in to lands never inventoried as roadless during RARE II. Due to these expansions, Service Creek and Davis Peak together include 14,194 acres of land classified as suitable for timber managment in the Routt Forest Plan. These acres comprise 3.7% of the land base upon which the current Routt Allowable Sale Quantity (ASQ) is based. As a consequence, based on Forest Service averages, should these expanded areas be designated wilderness the Routt will have to revise its Forest Plan and reduce its present ASQ by about 1.4 million board feet a year.

In June of this year we curtailed our Walden operation by dropping from two shifts to one, resulting in a lay-off of 34 people. The mill was running smoothly and our markets were relatively strong. We simply did not have the long term timber supply needed to sustain two shifts. Converting current suitable timber land in WSAs and FPAs to wilderness can only lead to the continued decline of the timber industry in the State. The suited lands in FPAs and WSAs on the Routt were deferred from timber management during the first planning iteration. In the second iteration which is forthcoming, they could be added to the overall timber base, provided that they are released for multiple-use. The increase in Forest ASQ would vastly improve the picture for stability and possibly expansion of the timber industry in Northern Colorado.

Agriculture and tourism (mainly skiing and hunting) are big business in Colorado. But the economy is hardly so robust that we can afford to dismiss lesser industries such as forest products, which is significant state wide, critical in some small rural towns, and adds important diversity to the overall economic picture. Perceived conflicts between logging and tourism can be mitigated with proper planning. Roads built by loggers are used by sight-seers, mountain bikers, hunters, fishermen, and campers. Stands of vigorous young pine trees, regenerated following recent clear-cutting, do not yet obstruct panoramic views as these recreationists travel these same roads.

The essence of timber management is perpetuation of a healthy forest. The ecological cycle of mother-nature includes the gradual decline of forests as the trees become old. An old forest is a carbon source for the atmosphere as trees plagued by parasites, diseases, and insects die and fall and eventually burn or decay. We have ample examples of mother-natures cycle in 2.6 million acres of wilderness in Colorado in addition to millions of acres in National Parks and in other National Forest lands which exclude timber harvest. Thrifty young stands of growing trees are a carbon sink, tying up carbon which would otherwise add to the much-discussed greenhouse effect.

Wilderness areas can serve as a breeding ground for forest insect and disease and a starting point for wildfires. While this may be appropriate in wilderness, insects, disease, and fire do not recognize man's legislated boundaries, therefore surrounding public and private forest are at much greater risk than if the wilderness did not exist.

The Soviet Union, Canada, and the United States have the most expansive forests of any countries in the northern hemisphere. Of these three, the United States' forests are the most productive. World demand for forest products; lumber, panels, paper, etc., are at an all-time high. We have the opportunity to supply much of this demand while simultaneously improving the health and productivity of our forests and our national economy.
Brazil can not supply the world with lumber just as Oregon cannot supply the United States with wood products. Colorado can participate in supplying forest products to the nation in a small but important way, while benefiting economically and ecologically. A win-win situation is perfectly possible for the State if we make intelligent, well thought-out choices now.

In summary, I believe that further wilderness expansion in Colorado will create many trade-offs for forest users with impacts that will ripple through the State. In particular, designating Service Creek and Davis Peak as wilderness will impact our business and employees in Kremmling and Walden. For these reasons we cannot support S.1343.

Thank you for this opportunity.

Respectfully,

Gary Ullman

Gary Ullman
Resource Manager

WILDERNESS STATEMENT - October 28, 1989

Our planet earth is in trouble.

The ozone sheath has been violated. Greenhouse warming effects are being measured. Native species are dying/becoming extinct at a fast pace. Fertilizers and pesticides are killing soil microbes whose existence has barely been documented. Our oceans and other flowing fluids, including our air, are all polluted with foreign chemicals. Cancerous superfund sites abound on the planet including in the Denver area: Rocky Flats, the Rocky Mountain Arsenal and Lowry landfill.

A medical doctor might tell any patient in such bad shape that he needs complete rest - both physical and mental. Wilderness offers such a reprieve for the planet. In his book **Ecology and Ekistics** Doxiadis suggests that up to 67% of the earth's land be devoted to wilderness wherein no machines are permitted. Of that 67% he suggests 40% be maintained in as virgin a state as possible with no human intervention. In other words complete rest for a planet that needs to heal. And yet 1/3 of the human population continues to extravagantly use 85% of the resources on our planet.

We need to set aside some large areas for wilderness and wildlife. The amount already designated as wilderness combined with those acres proposed in this bill are barely a start. However, I recognize that this proposal is a compromise with those who wish to consume, squander and destroy. I support Senator Wirth's proposed wilderness legislation.

Angela Medbery
2205 Meade Street
Denver, CO 80211

Proposed Wildlife Habitats

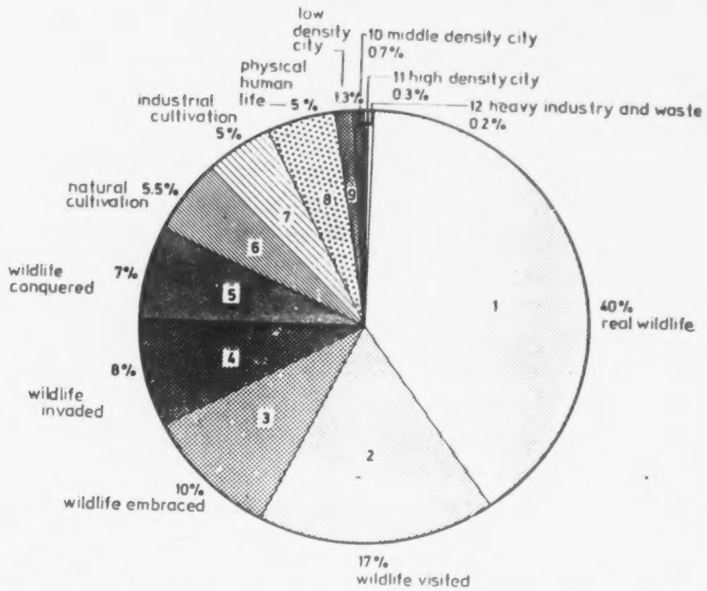


FIGURE 2.2 The twelve global zones of land showing percentage of surface area appropriate for each land use.

from ECOLOGY AND EKISTICS, by C. A. Doxiadis, 1977 (Westview Press, Boulder, CO)

2.4 The Twelve Basic Zones

In every type of territory we need twelve types of zones, which range from the most virgin one of nature, to industry, the most raped one. Theoretically, we could say that the first types are ecological and the last ones ekistic, but really they all belong to both—to ecology, representing nature and its laws, concerned with the total balance and to ekistics, representing human activity, concerned with human settlements.

The basic principles for the twelve zones are the following:

NATURAREAS

Zone 1	As nearly virgin as possible
Zone 2	Visited by some humans but without permanent human installations
Zone 3	Humans enter and stay but without machines
Zone 4	Similar to Zone 3, but with human settlements built of natural materials
Zone 5	Nature prevails but humans enter with machines and can use the zone (forests, etc.) by stages and by sections

CULTIVAREAS

Zone 6	Natural cultivation in traditional ways, that is without coverage of plants and animals by artificial roofs, without controlled climate, etc.
Zone 7	Cultivation but with new methods allowing for much greater exploitation and higher productivity

ANTHROPAREAS

Zone 8	Natural areas used as resorts, for sports, etc.
Zone 9	Inhabited at the lowest reasonable density
Zone 10	Inhabited, but at middle densities
Zone 11	Inhabited at the highest reasonable density

INDUSTRAREAS

Zone 12	Every possible use for achieving the goal of the best industrialisation

EKISTICS - the science of human settlements. Term was coined by Doxiadis from the Greek words oikos 'home' and oiko 'settling down'. It concerns the human settlement as a living organism having its own laws and, through the study of evolution of human settlements from their most primitive phase to megalopolis and ecumenopolis, develops the interdisciplinary approach necessary to resolve its problems.

My name is Jim Krebs and I am the President of the Colorado Association of 4 Wheel Drive Clubs, Inc. I represent 600 families in 28 4 wheel drive clubs, 35 Colorado businesses, and over 15,000 supporting members of the United 4 wheel drive clubs nationwide.

The Colo Assoc of 4 wheel drive clubs does not support closing 4 wheel drive routes included in wilderness study areas.

There has never been a road constructed expressly for 4 wheel drive use. Roads constructed for mining or timber harvest are not used for subsequent 4 wheel drive travel.

Mapped 4 wheel drive roads in Colorado were built many years ago, by the pioneers of this country and of this great state. Each 4 wheel drive road is rich in Colorado history and scenic value. Deliberately expanding wilderness areas to eliminate 4 wheel drive travel denies thousands of responsible mountain recreationists a rewarding Colorado experience. Environmental conflicts created by 4 wheel drive use are exaggerated. Conversely the environmental damage caused by backpacking and other so called low impact uses is grossly underestimated. Proper management of public lands is the key to protecting our unique Colorado resources. Responsible back country ethics begin with the individual. The Colo Assoc of 4 wheel drive clubs does not advocate indiscriminate or irresponsible 4 wheel drive use. OHV travel must be done within the confines of marked routes. The organized 4 wheeling community is more environmentally conscious than most forest users. Closing Colorado for the exclusive use of pseudo naturalists is unfair to the majority of Coloradoans.

In particular I am against closing Forest Route 975, commonly known as the Mt. Blanca Pk road, in the Sangre de Cristo south section. This granite road challenges, and rewards the 4 wheeler with unique enjoyment of the San Luis Valley. I am against the designation of the Oh Be Joyful Road and study area as wilderness. The Forest Service did not recommend this area for wilderness designation. I have yet to experience this area, but I plan to. I don't want to be denied the opportunity.

The Colorado Association of 4 wheel drive clubs feels most of the Forest Service recommendations of wilderness are the best compromise and believes the mapped 4 wheel drive roads should remain open for public enjoyment.

Colorado Association of
4 Wheel Drive Clubs, Inc.
P.O. Box 1413
Wheat Ridge, CO. 80034

Roger Fuehrer
4225 Ea. Mexico #1308
Denver, Colorado 80222

Senator Tim Wirth
United States Senate
1129 Pennsylvania
Denver, Colorado 80203

Dear Senator Wirth;

October 21, 1989.

Please count me in as a supporter of your Wilderness Bill (S. 1343). As a Native Coloradan, business owner, and lover of our beautiful State, I see this Bill as necessary to keep our beautiful areas as is before the abusers of our wild lands use them only for their own selfish purposes.

During the process of the 1980 Colorado Wilderness Bill several areas were placed into Wilderness Study Status because the opposition along with Senator Bill Armstrong wanted to evaluate their potential for oil, gas, and mining as they demanded. That process ended in 1984 and concluded that little potential existed and would be very difficult to obtain without severe environmental destruction. Attached is a paper I have produced that easily concludes that recreaional values produce far, far greater monies to the economy than a full oil and gas production does with no environmental destruction. This is the kind of information that the large development entities do not readily publicize. I obtained this knowledge through the school of hard knocks -believe me.

In the mid-eighties when it became apparent that the oil, gas, and mining potential was poor at best, Senator Armstrong and his friends decided that wilderness did not need water to exist. In short time, history will show how absolutely ridiculous this assertion is.

Once the water issue is made clear to everyone except the narrow-minded, I am sure the Senator and his friends will come up with a new assertion just as ridiculous - maybe that wilderness should exist but without trees, or without air. Whatever, it is time to settle this issue so everyone can devote their energies to some real serious environmental threats such as acid rain, the BLM management deficiencies, global warming, renewable energy resources, etc.

It is now clear to me that the wilderness issue has been divided into those who essentially love the back-country and those who want to use it for their own selfish desires and economic gain - or those who want to make the wilderness from a renewable resource for everyone to use forever to a non-renewable resource they can gain only for themselves. It is time to separate the lovers from the abusers. Let us pass your Bill now!

Sincerely, Roger Fuehrer

SUMMARY - ECONOMIC FACT SHEET

COMPARISON OF WILDERNESS ECONOMIC VALUES TO OIL & GAS VALUES

WILDERNESS PROGRAM * OIL & GAS PROGRAM

Wilderness use - July 4th
4-day holiday, 1982 at the
Holy Cross Wilderness Area

22,000 man-day-visits during 4-day period (1)
× $30 1/3 of ave. (2)

$660,000

× 2 2 4-day holidays per year $1,320,000

$1,320,000 This is the monies spent by persons visiting wilderness for 8 days in one year.

$1,320,000
× 20 years

$26,400,000 Total monies to the economy in a 20 year period.

1) White River Nat'l Forest statistics
2) Colorado State Tourism Office- The average tourist spends over $100.00 per day in Colorado
In 1988 Colorado had 27 million tourists!

The average life of an oil well is 20 years. (3)

Using a 20 hole drilling project (this would be a good size one)
Average success for the industry on exploration drilling is 15% - or 85 % dry holes! (4)
20 holes × 15% = 3 working wells

1/2 of all working exploration wells last less than one year. (5)

3 × 1/2 = 1.5 working wells
OIL: 30,000 barrel well
× $25 per barrel (6)

$750,000
× 1.5 working wells

$1,125,000 Total oil value

GAS: 25,000,000 cu. ft. well
(a very active one)
× $1.55 mcf = 100 cu.ft.

$387,500 Total gas monies

TOTAL OIL & GAS Revenues for 20 yr
$1,512,500

3) Data from Petro Lewis & various petroleum publications
4) Evergreen Resources/Amoco Oil
5) (This is not information the industry publicizes. I obtained it over years of investing and asking many, many questions). 6) Oil is at $20 a barrel Oct. '89

CONCLUSIONS

1. People spending 8 days a year in wilderness add more than 17 1/2 times to the local economy than a 20 year oil and gas drilling project.
2. One medium sized wilderness area in Colorado provides about as much money to the economy as does an oil and gas drilling does in 20 yrs!
3. The oil and gas potential in the Sangre Wilderness Study Area (the heart of the current Bill S.1343) is strictly exploratory.

Roger Fuehrer, 4225 Ea. Mexico #1308, Denver, Colorado 80222

October 28, 1989

Statement presented at the Colorado
Wilderness Field Hearing Senate
S.1343, a bill to designate certain
lands in Colorado for inclusion
in the National Wilderness Preservation
System
14th & Bannock
City & County Building-4th floor
October 28, 1989

Prepared by Jan E. Brooks
Director of the American Wilderness Adventures
of the American Wildlands

Good afternoon,

I am Jan Brooks, Director of the American Wilderness Adventures; a program of the American Wildlands. On behalf of American Wildlands and its participants, I would like to extend our appreciation to you Senator Wirth for conducting this important hearing. In addition, I want to thank you for your continued involvement in wilderness protection and outdoor recreation nationwide.

We are in strong support of S.1343. The 18 acres and 750,000 acres are important additions to the National Wilderness Preservation System. They are also long overdue and your leadership on this critical matter is very timely. There are an additional 400,000 acres we hope you will address in the near future. These are both National Forest Service lands and Bureau of Land Management throughout Colorado. S.1343 has several important provisions and I would like to address these:

1. Water rights - Water rights in Colorado with its thirty plus rivers that headwater here is always going to be a dynamic subject with ongoing debates. Your proposed legislation resolves this conflict for reserved water and clears the question on this matter.
2. Administration Provisions - Release language. This appears to be the standard release of similar legislation. We support this with the qualifying statement that the Federal

> lands within Colorado are fast becoming recreation based and not extractive oriented. This is particularly true in regard to timber products. There is support for the wood products industry, but not as a dominated industry in the State. Watershed, fisheries, wildlife, soil stabilization, and recreation and scenic values far overshadow marginal timber resources.

As you may be aware, Colorado generates millions of dollars from wilderness based on recreation. Everyday, we have out-of-state inquiries looking for the opportunity to visit Colorado and see our wild country, established wilderness areas and free flowing rivers.
Colorado leads the nation in adventure travel. Such recreational activites as river running, hiking, horseback riding, backpacking, big game hunting, high country fishing and scenic bicycle trips are world renown. All indications point to the fact that these types of leisure activities will continue to grow in the coming years.

Over the years, there has been a great amount of misinformation that wilderness is only for the young. Our clients come in all ages, varied background and social/economic levels. The senior market is of particular interest as many enjoy active, "soft adventure" trips and are not content to just sit back and soak it all in!

In summary, the preservation and conservation of our wilderness is vital for not only our visitors, but for the Colorado people who depend on the recreational industry for their livelihood. Now is the time to act, before it is too late for our generation and future generations to see our important resource, the wilderness.

Wilderness Hearings - Denvor, Co - Oct 28, 1989

My name is Margaret Hagenbuch - 2421 Valley View Dr. Denver, Co 80221

Thank you for this forum to express my support for the wilderness bill.

My family (show on map) exemplifies how ranchers live in harmony with wilderness - in the past and in the present. Unfortunately, probably not in the future as the surrounding area succumbs to the lure of the developer's almighty dollar.

Please consider the concerns expressed in my submitted written text regarding the tremendous impact the proposed Lake Catamount Ski Area would have on wilderness, Pleasant Valley and our near century old ranch; which gets its domestic, irrigation and stock water from Green Creek. A large portion of the ski area is to be built on Green Creek drainage (area colored pink on the map).

The proposed ski area is adjoined on the east and south by the Service Creek FPA. The current eastern boundary is under consideration by the Routt National Forest Service to be moved even further east, intruding into the wilderness (as shown by the diagonals on the map). Green Creek drainage comprises approximately 2/3 of the 2000 acre area being considered for elimination from the FPA. To include this area as a winter sports site rather than leaving it wilderness as presently proposed, would have even greater devastating impacts on Green Creek's water quality and our family's ranching operation.

Past history further substantiates our concerns. In the early 1980's conservationists originally proposed the north boundary extend to Harrison Creek (boundary indicated in blue on the map). Through negotiations and lobbying by special interest groups, the boundary was moved south; always to the advantage of the development and to the disadvantage of downstream water users.

The domino effect of this scenario will be played out as ranchers are forced out of business: entire communities change from rural to urban; and change from communities with resorts to resorts with no communities.

Look carefully because this beautiful valley is destined to become an urbanized playground for the wealthy.

We must have wilderness to prevent anymore loss of pristine valley's and virgin forests such as this - and to preserve our western heritage.

Thank you.

2421 Valley View Dr.
Denver, Colorado 80221
October 13, 1989

HAND DELIVERED

Senator Tim Wirth
Russell Building, Room 380
Washington, D.C. 20510

Re: Lake Catamount Special Use Permit/
Service Creek Further Planning Area

Dear Senator Wirth:

Thank you for taking the time to meet and talk with my family and me at your birthday breakfast in Adams County September 24, 1989. As mentioned, my parents, Robert and Elaine Gay, and I have met with Suzanne Bohan; and we have been sending you correspondence regarding the above. You should have received a letter dated August 31 from them. Enclosed are my written comments submitted to Mr. Jerry Schmidt, Routt National Forest Supervisor, requesting denial to the proposed Lake Catamount Special Use Permit. These also were previously sent your office with copies to Jim Martin and Suzanne Bohan.

Please be aware of and consider the concerns expressed in our letters regarding the tremendous impact this project would have on Pleasant Valley and our near century old ranch, which gets its domestic, irrigation and stock water from Green Creek. A large portion of the proposed ski area is to be built on the Green Creek drainage.

The current Service Creek FPA Wilderness Boundary (3B Prescription) is under consideration by the Forest Service to be moved further east (see attached map from the Lake Catamount DEIS). Green Creek drainage comprises approximately two-thirds of the 2,000 acre area being considered for elimination from the FPA. To include this area as a winter sports site rather than leaving it undeveloped or as wilderness as presently proposed, would have even greater devastating impacts on Green Creek's water quality and our ranching operation.

We feel this is a legitimate concern; and that stipulations / designations need to be in place to safeguard this current FPA wilderness against future development and degradation to Green Creek drainage.

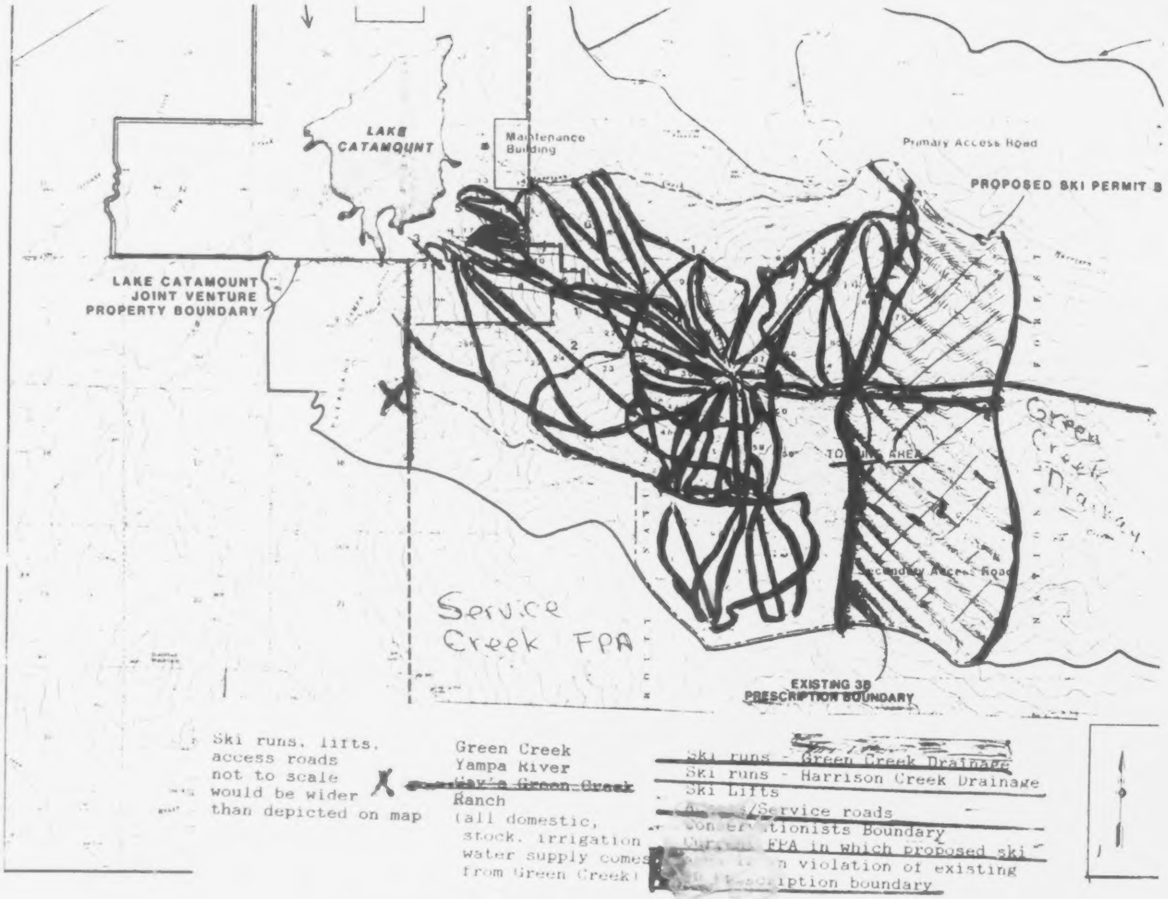
Your wilderness bill is supported by my family; and we will be participating in the public hearing/comment process. We appreciate your consideration of our concerns; and look forward to hearing from you.

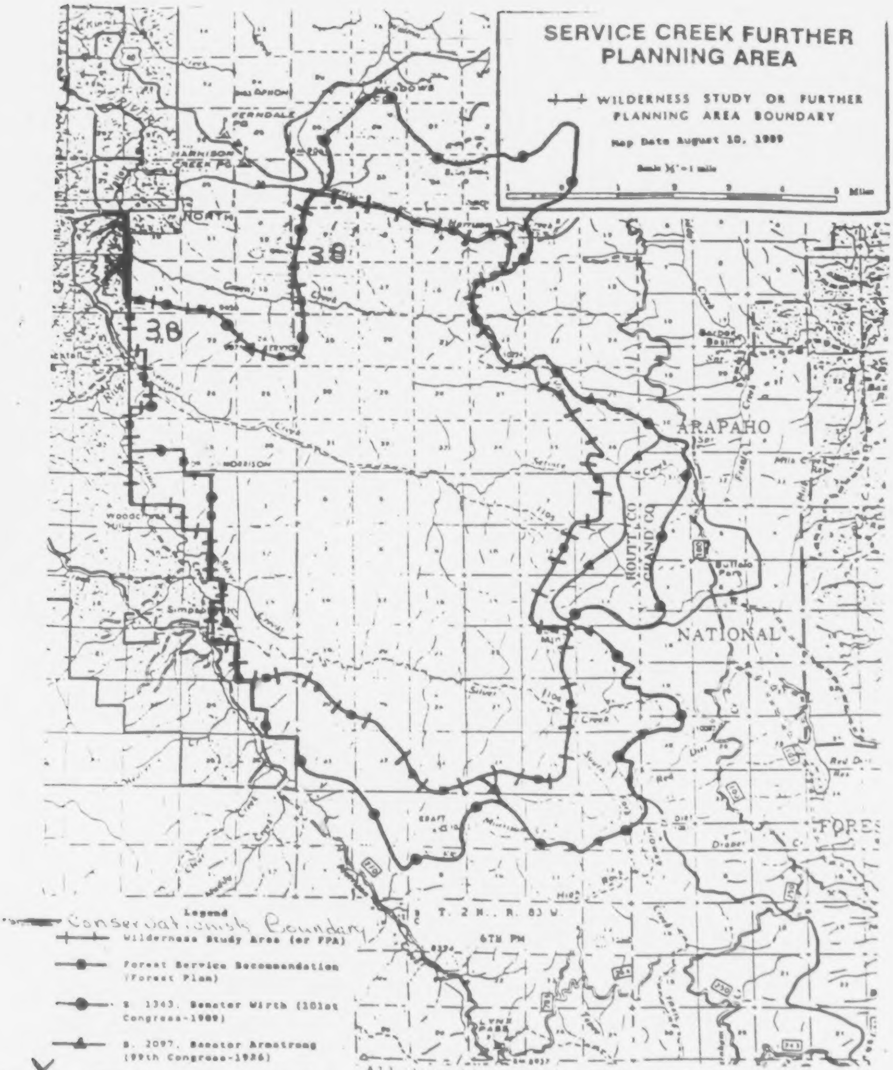
Sincerely,

Margaret E. Hagenbuch
Margaret (Gay) Hagenbuch

Encs. 3 (including map of violation of current 3B Prescription Boundary)

cc: Suzanne Bohan; Jim Martin; Sen. Armstrong


LAKE CATAMOUNT
Maintenance Building
Primary Access Road
PROPOSED SKI PERMIT B
LAKE CATAMOUNT JOINT VENTURE PROPERTY BOUNDARY
TOURING AREA
Secondary Access Road
Green Creek Drainage
Service Creek FPA
EXISTING 3B PRESCRIPTION BOUNDARY
Ski runs, lifts, access roads not to scale would be wider than depicted on map
Green Creek
Yampa River
X
~~Gay's Green Creek~~
Ranch
(all domestic, stock, irrigation water supply comes from Green Creek)
Ski runs - Green Creek Drainage
Ski runs - Harrison Creek Drainage
Ski Lifts
Access/Service roads
Conservationists Boundary
Current FPA in which proposed ski area is in violation of existing 3B prescription boundary


SERVICE CREEK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
Miles
MEADOWS
FERNDALE PG
HARRISON CREEK PG
NORTH
38
38
Green Creek
MORRISON
ARAPAHO
ROUTT CO
GRAND CO
Buffalo Park
NATIONAL
FORES
Simpson
LYNX PASS
T. 2 N., R. 83 W.
6TH PM
Legend
Conservationist Boundary
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)

X — ROBERT GAY RANCH -- All domestic, stock and irrigation water supply comes from Green Creek

2421 Valley View Dr.
Denver, Co. 80221
July 14, 1989

Mr. Jerry Schmidt. Forest Supervisor
Routt National Forest
29587 West U.S. 40, Suite 20
Steamboat Springs, Colorado 80487

Dear Mr. Schmidt:

As a U.S. citizen, baby boomer, middle income, urban parent, I typify a cross section of National Forest shareholders. In response to the Routt National Forest Service public comment period on the Lake Catamount Draft Environmental Impact Statement (DEIS), please address the following concerns in the Final EIS.

There are no guarantees to those negatively impacted by this project, but what continual changes will be allowed that alter the protective measures supposedly provided by this process. This has been historically demonstrated by the addition of Green Creek ski runs, which were not in the original proposal; and by changing the location of the access road to the base and U. S. Forest Land -- both allowed changes favored the developers at the expense of others. (see Exhibit A)

By allowing the Special Use Permit, the Green Creek drainage will become littered; skiing infrastructures with sewage needs, summer hikers and skinny dippers, road and bridge construction will result in the loss of strategic wetlands and prime wildlife habitat. These raparian and montane wetlands are nature's filtering and water purification system for Green Creek. This stream is the water source, including sole domestic water supply, and lifeblood of my family's ranching operation at the foot of Mt. Baldy.

Further water contamination from cloud seeding; chemicals (such as, fertilizers and herbicides); sewage from the mountain top restaurants (unidentified location of second mountain top resturant must be made site specific through public hearing process); road and ski run erosion will collectively overwhelm nature's purification system.

Green Creek travels unseen and unused by Catamount private property owners unlike Harrison and Danvers Creeks which traverse and terminate on their property. You can be assured that the developers will favor visual quality; solutions to impacts and mitigation; and exercise precaution to maintain the high water quality of Harrison/Danvers Creeks and their drainage over Green Creek. Protection of the water purity and quailty of Green Creek will serve no financial benefit to the developers and be the lowest of their priorities.

The DEIS contains contradictions and omissions; is inadequate, biased and subjective in many areas. This bias towards Harrison/Danvers vs. Green Creek is evident throughout the document (particularly in mitigation and monitoring measures).

The south and southwest face of Mt. Baldy and the Green Creek drainage, which is the primary view from the upper valley floor, will be scarred by access roads, ski runs and lifts rendering a visual impact that is totally unacceptable. The visual impact created by Alternative 3, DEIS page IV-10 would not meet the Forest Plan Standard for a 1B Prescription Area. Exclusion of Green Creek drainage from any use permit given Lake Catamount Joint Ventures or future developers is imperative.

The inundation of human beings (often accompanied by dogs) in the form of "off the run" skiers, snowmobilers, summer foot traffic, lost souls, hang gliders, balloonists and users of yet-to-be-discovered recreational innovations will be funneled off the forest onto private lands by the natural topography of Green Creek drainage. The design of the ski area will further encourage congestion and trespassing on private ground. It is unclear in the DEIS and maps therein if the southern proposed ski permit boundary is on the median (meander line) of Green Creek. Due to the topography of the Green Creek drainage in relationship to private land, it is imperative that the ski permit boundary is not south of Green Creek.

Because the DEIS pertains to a winter recreation oriented use permit, it does not adaquately address the summer tourist impacts, some of which were previously addressed in this letter. The Final Environmental Impact Statement (FEIS) is obligated to address the mitigation procedures for all trespassing violations.

However, do not assume that mitigation will provide a solution to all these and other (foreseen as well as unforeseen) problems. Any shortcomings or damages will have to be negotiated through lengthy, costly and/or legal processes. The damages and burden of proof falls on those negatively impacted. While the resolve to one incident is being dealt with, other violations and problems are in progress.

Hardships of this nature (dogs, traffic, chemical contamination, increase in lifestock stress and rustling, trespassing, etc.) that will accompany the build out at Lake Catamount will force the existing ranching community out of business. In its place will be leap-frog development up and down the Yampa Valley. Results: Steamboat Springs ---> Mt. Werner with expansions ---> Priest Creek ---> Fish Creek ---> Fox Estates ---> Catamount ---> Blacktail Estates ---> Stagecoach. As urbanization crawls out from these growth centers, working ranches break down and split into recreational and hobby parcels. Thirty-five to forty acre ranchettes are then discovered to be inefficient, unproductive units. Thus, subdividing through county variances and zoning changes become a self fulfilling prophecy. The land is continually broken down into smaller lots -- and another subdivision is born.

In light of the recent Steamboat Ski Corporation's sale to foreign investors, it would be naive to assume that current Lake Catamount owners will remain owners for a substantial length of time. Steamboat Ski Corp.'s acquisition of the Chamber Resort Association's central reservation system and other marketing strategies will allow both areas to be joint packaged and marketed (same joint concept as Vail/Beaver Creek) placing Martin Hart in the position of competing against himself in the very competitive ski industry.

Our public lands should not be transferred to foreign interests via leases, Special Use Permits or other legal disguises. Windfall profits from inclusion or transfer of U.S. Forest Special Use Permits in real estate transactions should be prohibited. Such real estate schemes line the pockets of the rich at the expense of our public lands.

As changes in ownership, conditions and management are allowed by the Routt National Forest Service and by Routt County to Special Use Permit holders, how will mitigation measures be added, adapted, and enforced to protect those negatively impacted by these changes? Will permit holders be able to manipulate the process to advantageously avoid mitigation and their responsibilities?

In view of the Gay family's interests in this project, Bob and Elaine and their children request that they be informed of and be included in any decisions or changes that may impact them or their business.

I am a parent of children who are interested in this ranching community being left for future generations as well as for their future; and who want to be involved in keeping their heritage.

If this megaresort is allowed to develop, it will create a mono-industry wiping out the existing ranching community that provides the quality of life and western image enjoyed by all of us.

The majority of Colorado's population (81.6%) lives in the metro area and prefer ski areas within closer proximity to the front range. As urban dwellers, we and a majority of others (testimony to this is the volume of traffic leaving the metro area on west bound corridors, particularly in the summer) choose to live in Colorado to visit the mountains and their forests as a retreat from population and urbanization -- which will no longer be possible in the Yampa Valley if it becomes a megaresort and a playground for the rich.

Skiing is an expensive recreation with perpetual rising lift ticket prices; costly food and lodging, oufitting the family with necessary ski equipment and clothing. In the Denver Post of July 16, 1989, Jerry Jones, President of Beaver Creek, Executive Vice President of Vail Associates Inc., and recognized industry and marketing expert (resigning a/o September 30, 1989) stated that lift tickets will reach $50 in the future. This is because of increased competition, consolidation, dwindling U.S. skier population and existing area expansion. He also stated that there were 1400 areas in the late 1960's and less than 550 today due to bankruptcies and consolidation, and it will continue!

The economy and popularity of the ski industry has leveled off. Our family of four represent an important contributing factor to this leveling off. Being of the "Baby Boom Generation", the largest segment of the population, we are coming into middle and retirement age. With the current leveling off and inevitable dropping off of the ski industry economy together with proposed expansions of the Steamboat Ski Area, we feel the Yampa Valley has adaquate ski facilities.

Indeed, Routt National Forest is favored for other recreational uses over it's use for skiing. (DEIS/Steamboat Pilot 7-13-89)

It is a fact that there are many of us Forest Service shareholders who choose to live in this mountainous state as well as countless visitors to our state who:

-- Believe this forest can better serve the public for multi-use recreational purposes as it presently exists (free or for a minimal fee) for all those who choose to use it: hiking, horseback riding, fishing, hunting, camping, nature and wildlife photography, enjoying and viewing (and yes, even skiing cross-country) in unspoiled forests. Conversely, if this forest is allowed to be developed into a ski resort, this devastatingly scarred and forever altered area can only serve those who can afford to pay for its use.

--Believe the use of this forest, its current aesthetic beauty providing wilderness and prime habitat for wildlife, can better serve the public if it is not granted a special use permit -- preserved for future generations.

On his Dome on The Range tour of Northwestern Colorado ski resorts including Steamboat, Governor Roy Romer urged residents to consider the environmental consequences of large scale expansions of mountain tourism. In making your decision, Mr. Schmidt, be reminded of Governor Romer's cautioning statement: "At some point in time we hit that point where we overload it." *

This is the point in time when we must realize that those ahead of us had the foresight to leave this valley as they found it--beautiful with the forest, wetlands and wildlife existing in harmony; contributing to the surrounding environment.

While global warming, and its effects on the Yampa Valley, may seem remote and hypothetical to those of us who have already lived at least half of our lives, it is becoming a reality. This threat to our progeny is certainly eminent if those in charge of making these life-altering decisions let money and power rule over fortitude and wisdom.

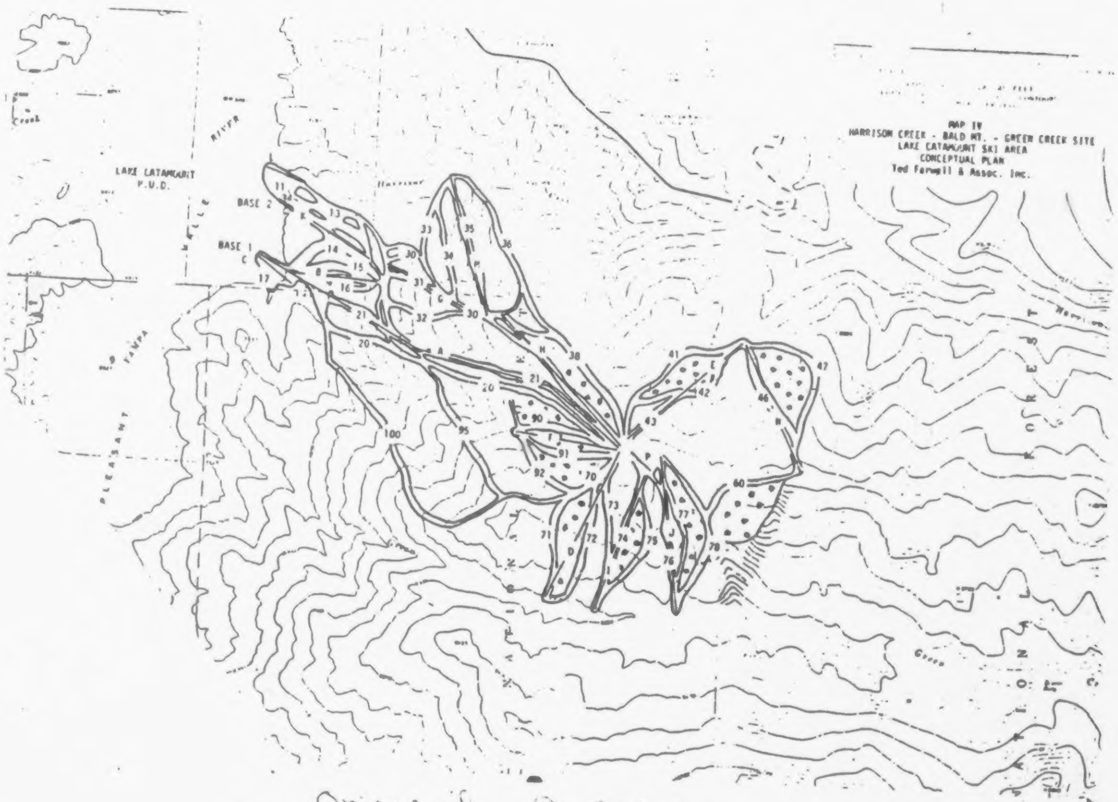
"We do not inherit the land from our forefathers.
We borrow it from our children."

Respectfully submitted,

Margaret Hagenbuch
Margaret Hagenbuch

Attachment: Exhibit A

* Denver Post dated May 24, 1989



MAP IV
HARRISON CREEK - BALD MT. - GREEN CREEK SITE
LAKE CATAMOUNT SKI AREA
CONCEPTUAL PLAN
Ted Farwell & Assoc. Inc.

LAKE CATAMOUNT
P.U.D.
BASE 2
BASE 1
RIVER
PLEASANT
FOREST
Green
Harrison
11
13
14
15
16
17
20
21
30
31
32
33
34
35
36
38
41
42
43
46
47
60
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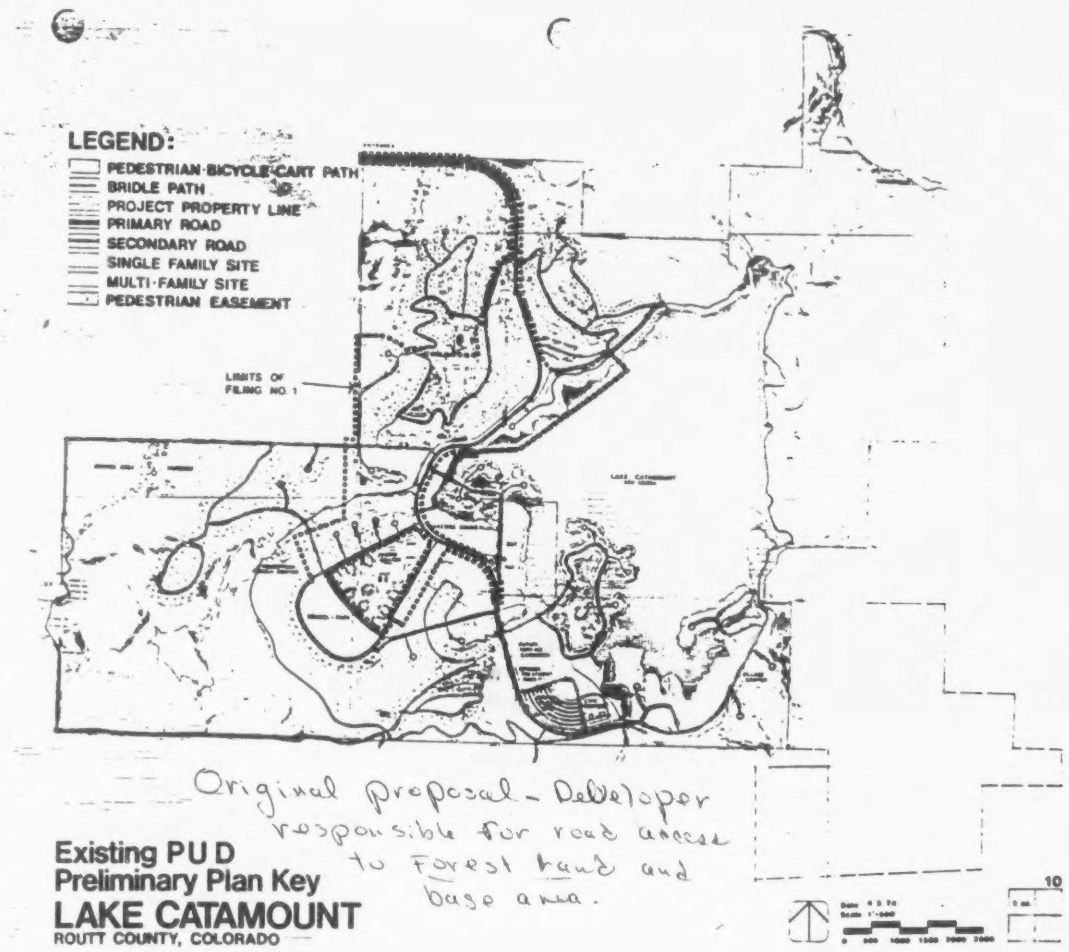
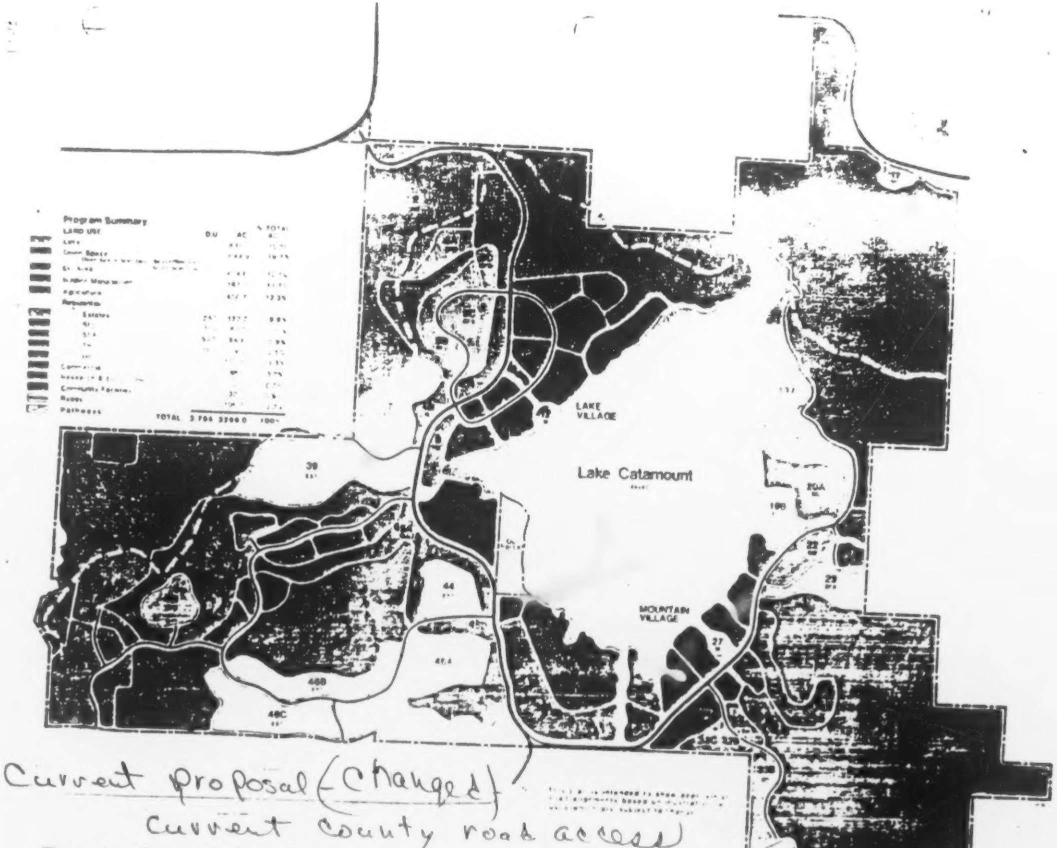
90
91
92
95
100

Original proposal —
No ski runs development
South of Green Creek.


LEGEND:
PEDESTRIAN·BICYCLE·CART PATH
BRIDLE PATH
PROJECT PROPERTY LINE
PRIMARY ROAD
SECONDARY ROAD
SINGLE FAMILY SITE
MULTI·FAMILY SITE
PEDESTRIAN EASEMENT
LIMITS OF FILING NO. 1
LAKE CATAMOUNT
10

Original proposal - Developer responsible for road access to Forest land and base area.

Existing PUD
Preliminary Plan Key
LAKE CATAMOUNT
ROUTT COUNTY, COLORADO


Program Summary
LAND USE
D.U.
AC
% TOTAL AC
Estates
Commercial
Roads
Pathways
TOTAL
100%
LAKE VILLAGE
Lake Catamount
MOUNTAIN VILLAGE
39
44
45A
45B
45C
27
20A
19B
29
14

Current proposal (changed)

Current county road access to base area.

Roads/Circulation Plan

LAKE CATAMOUNT

[illegible]

[illegible]

PREPARED BY
DATE

My name is Joan St. Germain and I live in Wheat Ridge Colorado. I am here today because I support bill S 1343 and feel it is a very important issue

This summer I worked as a backpacking instructor at Aspen Camp/School for the Deaf in Snowmass Colorado. There I led many backpacking trips all of them into the surrounding Wilderness areas. During these trips I taught the campers the basics of backpacking, but the Wilderness taught them much more. Whether it was ~~a 3,000 foot~~ hike up to a 12,000 foot pass which entailed a 3,000 foot elevation gain in just 3 miles, or a snow field which blocked the trail, or an in coming storm. The Wilderness forced these kids to ~~push themselves~~ think and to use resources within themselves, they never knew were there. From these challanges the kids gained confidence in themselves and their skills, the courage to face new situations, the ability to rely on themselves and their own strengths while also working as a team, and the ability to lead. I feel these are important lessons for all children, espically in today's society; and I feel these are lessons which the Wilderness teaches very adeptly.

But wilderness can teach only if it remains. This summer I witnessed the heavy use which many of Colorado's Wilderness areas must sustain. As our population grows and as more and more Forest + BLM lands are used for their timber ~~and rock~~ water etc.. the use of our existing wilderness will increase. We need more wilderness areas to be able to absorp such heavy use, and we need more wilderness areas to be able to provide not only our children but all of us a rich wilderness experience from which we can learn. Without new areas the very qualities which make a wilderness will be lost. So I urge you to pass this bill

October 28, 1989.

Senator Wirth;

My name is Dr Richard Schaefer from Lakewood Colorado. I strongly support your bill. S-1343.

When I first moved to Colorado in 1954, I started hiking in Colorado's wild and primitive areas. During the last 35 years there has been a tremendous increase in the number of people who visit these areas - now called "wilderness". This increase in use has been steady and remarkably constant.

In talking with these people in camp and along the trail, I have found they have come not just from Colorado, but from the rest of the United States and many foreign countries to view and enjoy Colorado's beauty. Colorado's current wilderness areas are not just hiked but viewed from roads and vantage points - as can be seen from the large numbers of out-of-state vehicles at these scenic points

Wilderness is a sustainable, valuable natural resource for Colorado. With virtually no costs to maintain, it continually draws vistors to our state which in turn provides a steadily increasing employment base. Many communities throughout the state that were once close to being ghost towns are now growing. Contrast this steady economic growth to the boom-bust cycles of other non-sustainable natural resources use such as mining and timbering.

Many of Colorado's politicians believe that water development is the major, if only, key to employment and economic growth in the State. Water has been and is important for the economy, but most of the current economic growth comes from the water in the forests, streams and wilderness - not in pipes, ditches and behind dams.

Preservation of our wild areas through wilderness legislation will keep our recreation industry growing. Preservation will attract the executives of clean and stable industries who value Colorado's natural environment and who will wish to live in a State that protects its most valuable natural resource - wilderness.

10/28/89

To: the Senate committee on the Senator Wirth Wilderness Bill"

Since I have retired I have been as active as posible in wilderness issues. My reason for doing this is that I have spent a life time backpacking and hiking into the back country. I grew up in a small Montana mining town on the edge of the Anaconda Pentiler Wilderness area. Since then I have been in many wilderness area in our Western States.

Based on this first hand knowledge over a period of years. I am appalled at the deteroration of our forest lands. The Wirth Wilderness Bill would help to at least slow down this destruction.

William Maxson
827 Maxwell #E
Boulder Co 80304

DENVER
AUDUBON
SOCIETY
3000 S. Clayton St., No. 207 • Denver, CO 80210 • (303) 757-8376

COMMENTS ON SENATE BILL 1343 BY STEVEN WILLIAMS

My name is Steven Williams. I am assistant chair of the Conservation Committee for the Denver Audubon Society, a local chapter of the National Audubon Society. The Denver Audubon Society is an environmental organization with over 3,300 members in the Denver metropolitan area. I appreciate this opportunity to comment on Senate Bill 1343 on behalf of the Denver Audubon Society.

The Denver Audubon Society fully supports Senate Bill 1343, and applauds Senator Wirth for his continuing support for the preservation of wilderness. Previous speakers have stated many good reasons for supporting this bill and for preserving more wilderness; we couldn't agree more. Consider the headlines we've seen this year—Exxon Valdez spill devastates Prince William Sound, Threats of the Greenhouse Effect, the Dusky Seaside Sparrow is Extinct—these are but a small sample of the threats faced by humanity. Not only are these threats to our physical well being, but also to our economic and spiritual well being. As writer Michael Frome states "Wilderness is the antidote to an overurbanized, supertechnological age. Man has proved himself resilient, capable of adapting to smoky skies, polluted streams, crowded and noisy cities, but his adaptive potential is not unlimited." He continues, "Wilderness is a recreational resource affording the enjoyment of hardy outdoor sports—canoeing, hiking, climbing, riding, hunting, and fishing. . . Wilderness is a spiritual sanctuary that opens to the search for a moral world. . .Wilderness is a learning laboratory, a classroom in biology, botany, and natural wonders, with examples and lessons on the relationship of living things to their environment. It answers the needs of the sciences for undisturbed and recovering areas in which to conduct base-line studies concerning human influences on the earth and to determine the best ways of managing resources." Not enough could be said about the positive effects of wilderness on our economy. Revenues from hunting, fishing, rafting, and other pursuits make the recreation industry a major force in Colorado, according to a recent Forest Service report. Some of the most popular areas in our state—the Indian Peaks, the Maroon Bells, Mt. Evans, and the Collegiate Peaks, are wilderness. And yet, barely 4 percent of our state is designated wilderness. The remainder of the state is available for development, agriculture, and other industrial uses. Man can create more dwellings, businesses and the like. But he cannot create another wilderness.

printed on 100% recycled paper

While we still have the chance, the Denver Audubon Society urges you to act. Please save these areas while we can. Thank you.

Cliff Seigneur, Esq.
1001 Bitterbrush Lane
Fort Collins, CO 80526
(303) 223-1236

October 28, 1989

STATEMENT FOR THE HEARING RECORD OF SENATE BILL 1343

I would like to take a brief moment to add to the official hearing record. As an attorney specializing in natural resource/environmental law, and as a past wilderness ranger in the Rawah Wilderness Area of Northern Colorado, I am compelled to comment on the addition of approximately 750,000 acres in Colorado to the Wilderness Preservation System. I feel it is imperative that these additional acres be protected as Wilderness Areas. While many reasonable arguments can be made to support additional wilderness designation in Colorado (which I am confident are amply represented in the hearing record) I would like to focus on a less tangible, but important aspect of adding 750,000 acres to Colorado's wilderness.

Over history wilderness has meant many things to mankind. Wilderness has been both feared as evil and revered as virtuous. At first a barrier to humans, wilderness was to be tamed, subdued, and molded to fit human desires. Now with wild, natural places becoming few and far between the trend has been reversed. Wilderness is being preserved to save the same features which were once seen as a hindrance to the development of human society. What began in the last quarter of the 19th century, when Yellowstone was set aside as the first National Park, has grown into the Wilderness Preservation System.

The Wilderness Act of 1964, which authorized the formation of the Wilderness Preservation System, was truly a milestone in human recognition of the importance of nature. Now, more than ever before, it is time to strengthen and add to the Wilderness Preservation System. Humans, reproducing at an increasingly rapid rate, are quickly exhausting the earth's resources. Air pollution, water pollution, deforestation and soil erosion are all taxing the earth's ability to mend itself. The Greenhouse Effect is no longer discussed as a theoretical event which may affect the biosphere in the future. Most prominent atmospheric scientists agree that global change has been set in motion by human production of greenhouse gases and global deforestation. The National Center for Atmospheric Research has warned that the global community has 10 years, approximately 4000 days, to enact significant global changes to curb the catastrophic impacts of global warming. We are indeed in the midst of an experiment where we ourselves are the guinea pigs.

Cliff Seigneur, Esq.
1001 Bitterbrush Lane
Fort Collins, CO 80526
(303) 223-1236

October 28, 1989

Our response to global change will challenge humanity in a manner never before experienced. Action must take place at global, national, state and local levels. It is important for the developed countries of the world to show leadership in response to global warming. Legislation such as Senate Bill 1343, which demonstrates a clear commitment to conservation, is an important step. While the world is losing more than one acre of forest land per second, the preservation of 750,000 acres of wilderness in Colorado is a step toward preserving a global environment where all inhabitants of the earth can prosper together.

In closing I would like to quote a famous American naturalist and writer.

"...in wilderness is the preservation of the world..."
Henry David Thoreau

In eight simple words Thoreau summarized the importance of the wild to all of earth's inhabitants, human and creature alike. Thoreau's words are indeed fitting in recognizing the importance of Senate Bill 1343. It is our responsibility to add to Colorado's wilderness. I urge passage of Senate Bill 1343.

Sincerely,

Cliff Seigneur

Marina SKUMANICH
400 13th St
Boulder, Co 80302

①

I have something very simple to say: I think it is imperative that we designate the proposed areas as wilderness. I will not make any moral or philosophical arguments for my position - although there are plenty to be made. Instead, I want to point to ~~the~~ a practical reasons for designating wilderness areas: there are more and more people in the U.S. visiting our national parks and forests, more people wanting to go hiking and skiing and more people who simply want to preserve natural areas for their own sake. Americans have always valued our wild lands - we were the 1st country to establish national parks over a century ago and we remain the world leader in terms of protecting natural areas. But As the number of Americans grows who both value wilderness and want to visit and enjoy it, we simply have to ensure there is enough of it around.

I see an analogy with our outlook on economic development. Colorado has recently been hard hit by an economic downturn. In an attempt to revitalize the economy, business and political leaders are emphasizing 'the new ~~technologies~~ industries' - electronics, computer technology, telecommunication, etc. Not the old industries. There's a common feeling that future economic well being ~~is~~ requires a new set of values and direction.

In the same way, our land management needs to follow ~~new~~ values: you as our political leaders have to respond to the ever-increasing numbers of Americans that want to preserve wilderness – you can't be stuck in the old way of thinking which says we can't afford wilderness areas because they'll hurt us ~~already~~ economically. The point is – ~~soon enough it~~ is ~~will be~~ the wilderness areas, the national parks, etc. represent economic values – and they will be more and more valuable to us as time goes by.

STATEMENT OF: GARY A. WRIGHT

ON BEHALF OF

COLORADO CONUNDRUM MARBLE CORPORATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

OCTOBER 28, 1989 - DENVER, COLORADO

Statement of Gary A. Wright, Attorney, Aspen, Colorado, representing the Colorado Conundrum Marble Corporation, October 28, 1989.

Mr. Chairman, I am Gary A. Wright of Aspen. I appear today on behalf of Colorado Conundrum Marble Corporation. I appreciate the opportunity to discuss possible expansion of the Colorado Wilderness.

The designation of additional Colorado lands as wilderness is laudable to protect pristine areas and preserve the natural beauty of our state. At the same time, certain fundamental principles must be protected as more lands are put into the wilderness system. My testimony emphasizes two such principles.

First, wilderness designation of Federally-owned lands must consider and preserve opportunities for prudent multiple use. The wilderness enabling legislation requires these considerations. Colorado's economy relies on mineral extraction as well as recreation, and mining remains an economic mainstay in many communities.

Second, wilderness designations must recognize and respect existing private property rights. The Wilderness Act recognizes and protects pre-existing rights and I am sure that you support those protections. Further, private property rights are clearly protected by the U.S. Constitution. The Fifth Amendment specifically provides protections from the "taking" of private property by government.

The Wilderness Act of 1964 provides the framework to designate Federally-owned lands as wilderness. However, the Wilderness Act always intended to protect existing private rights. Expansion of the wilderness lands, without careful consideration of private holdings and mineral values, can and does cause many serious problems. The Wilderness designation must be viewed in the context of the protection of existing rights and competing uses for the land.

THE PRIVATE HOLDINGS ALONG CONUNDRUM CREEK

The Conundrum Creek properties of the Colorado Conundrum Marble Corporation are a sad example of the problems caused by unwise expansion of wilderness. The Corporation has an interest in a large and valuable private holding of approximately 472 acres along Conundrum Creek. This property was designated as wilderness in the 1980 Act, notwithstanding actual knowledge that private individuals owned the surface, mineral and timber rights. A previously operated marble quarry and a large underground silver mine are within the 1980 addition. These pre-existing commercial uses are served by a road originally constructed at public expense to facilitate mining and quarrying. In addition, the private land has significant stands of marketable timber and other valuable mineral resources, including placer gold.

Private lands are "de facto" encumbered by a Wilderness designation. Access and use of private land become entwined in a bureaucratic nightmare. I suggest that the wilderness designation of private lands or minerals is equivalent to a "taking" of those lands and their minerals. This designation was designed to protect Federally-owned lands but is being used to appropriate private property.

The principal Colorado Conundrum owner is my friend and client, Stefan Albouy. Stefan is a miner by occupation -- he loves mining and wants only to responsibly carry out his profession. He has no desire to cause any unwarranted disruption. Mr. Albouy's property rights are legally protected and eventually will be fully respected.

However, bureaucratic and regulatory roadblocks are being used to temporarily deprive him of his property rights and limit access to his property. Worse, Pitkin County wants to apply their own off-base interpretation of Federal Wilderness restrictions to the Conundrum Creek properties, even though the Federal Government recognizes that the Wilderness designation and associated restrictions do not apply to activities on private property.

New wilderness should not be designated without resolution of private property rights in a manner acceptable to the affected parties. Private property now included in a designated wilderness should be returned to full unrestricted use by its owners.

The private holdings of Colorado Conundrum and many others should never have been designated as wilderness and should be taken out or released for their owner's use as soon as possible. It is important that no new wilderness be created unless it has been previously designated as a study area and thorough due diligence has been completed to avoid the repeat of the mistakes made in Condundrum Creek. I urge that the next Colorado Wilderness Act recognize such serious mistakes, and remove the Conundrum claims from the wilderness designation.

Respectfully submitted,

Gary A. Wright

wp\misc\sen_orig.gaw

Senator Wirth & Board Members

My family have lived in Colorado since 1910, and I wish to let you know my strong opposition to this bill.

In 1977 RARE II was started which shut down a large part of this state to motorized Use.

My personal problem occurred when RARE II shut off an area by the Flat tops Wilderness where my father & myself had fished since I was a small boy. Due to the boundary change my father no longer could go with me to where we used to fish. His health prohibited long walks.

On the map of RARE II it shows the existing Wilderness Areas in 1977 - Since then these Wilderness Areas such as Collegiate Peaks, Raggeds, Hunter Frying Pan, Holy Cross, Mt. Evans, Indian Peaks - also several areas have been made Primitive - The Areas drawn in black are these Wilderness Areas. The Black lines around the existing Wilderness Areas, shows how much they were enlarged.

All the Blue Areas on map are still considered Roadless Areas & very few areas have been opened back up to Motorized Recreation even though they do not qualify for wilderness

With this new bill I am being forced to give up using several moto areas that I enjoy, the Sangre De Cristo Range in the San Isabel & Rio Grande N.F. American Flats in the Uncompahgre N.F., Fossil Ridge, Gunnison N.F.

Most environmentalist feel that if its not wilderness it is not being protected, they are grossly wrong the Forest Service does a very good job of trying to see to it that areas do not get destroyed.

Thank You

Stanley Anderson
7149 Xenon Ct.
Arvada, Colo. 80004

South San Juan WSA, San Juan N.F.: The Forest Service did not recommend this area for wilderness status. Again, we ask the question "What are the unique characteristics that make this area suitable for wilderness status"?

Spanish Peaks WSA, San Isabel N.F.: The Forest Service did not recommend this area for wilderness designation. It is my understanding that there is an air compressor about the size of a small bus at the very top of this area. What characteristics make this area suitable for wilderness designation?

Spruce Creek Addition WSA, White River N.F.: I have no conflict with this proposal. What makes this area qualify for wilderness status?

West Needle-Weminuche WSAs, San Juan N.F.: The Forest Service-Armstrong proposal is acceptable, although I point out the existence of a railroad through and adjacent to the area. What makes the area a candidate for wilderness designation?

Wheeler Geologic Study Area, Rio Grande N.F.: **This proposal is unacceptable**. Again, the Forest Service did not recommend this area for wilderness designation. There are existing roads and trails in the area. The area has been frequented by motorized recreations for years.

Williams Fork FPA, Arapaho N.F.: The Forest Service did not recommend this for wilderness status. Again the question is, "What are the charactistics of this proposal that qualify it for wilderness status?"

I feel, Senator Wirth, that your proposals have generally ignored the recommendations of professional land managers, and historic, well established recreational uses in most of the areas. You have also not considered the potential economic impact to small communities in the vicinity of some of these areas.

Lost Creek FPA, Pike N.F.: This is a popular hiking and horseback trail close the Denver metro area. It is heavily used and probably in need of administration by the Forest Service. Its characteristics have been altered by use beyond wilderness status, and the area west of Kenosha Pass contains numerous roads and trails, not all of which are shown on the forest map. **This area is not suitable for wilderness status**.

Opposed SA.

OH-BE-JOYFUL, Gunnison N.F.: **This proposal is not acceptable**. The Oh-Be-Joyful road is a popular 4WD road, and has been for years. The area is frequented by snowmobiles in the winter and 4WD and mountain bikes in the summer. There is an existing large wilderness area (Raggeds) in the area, and the proposal adds nothing new or unique to the existing wilderness.

Opposed SA

Piedra WSA, San Juan N.F.: The Forest Service-Armstrong proposal is acceptable, although we ask what characteristics make this area suitable for wilderness designation?

Vasquez WSA, Arapaho N.F.: What makes this a candidate for wilderness status? The area is adjacent to Winter Park Ski Area and is heavily used by mountain bikes.

Saint Louis Peaks FPA, Arapaho N.F.: Forest Service did not recommend wilderness status. What unique characteristics are present in this area to make it suitable for wilderness status?

Sangre de Cristo WSA, San Isabel and Rio Grande N.F.: **This proposal is unacceptable in its entirety**. The Wirth proposal completely ignores the existence of the Rainbow Trail, a popular motorcycle trail for over 30 years. It and numerous ancillary trails and 4WD roads constitute a popular area for motorized recreation and mountain biking. Loss of this well maintained trail system would have significant economic impact on the Salida-Poncha Springs area, and would serve no purpose beyond excluding off-highway motorcycles from the area. The numerous "cherry stems" and corridors that would be required to accomodate the existing roads and trails would make administration of the area as a wilderness almost impossible. The proposed wilderness is located in the drainage basin of the Arkansas River System and the Rio Grande System. Both are over-appropriated river systems, and any water right priority established on the basis of wilderness designation would be very junior.

Opposed SA

Service Creek FPA, Routt N.F.: We ask for identification of the unique features that make this area a candidate for wilderness designation. Service Creek and the area to the north have been used by snowmobiles for years.

I have reviewed the wilderness areas proposed by Senator Tim Wirth in relation to the recommendations of Senator Armstrong, the U.S.F.S., and the B.L.M. and their impact on existing motorized recreational uses, and wish to make the following comments on those proposals.

American Flats (Big Blue), Uncompahgre N.F.: The Wilderness Study Area acknowledges the existence of the Engineer Pass Road, a popular 4WD Road. The Forest Service did not recommend this be a wilderness area. **This area is not suitable for Wilderness designation**.

Opposed SA -

Bill Hare Gulch & Larson Creek WSAs, Uncompahgre N.F.: COHVCO has no opposition to these areas being given wilderness status.

Buffalo Peaks WSA, Pike N.F.: We question the suitability of this area as wilderness. Given the apparent number of roads and trails in the area, administration of the area as wilderness would be difficult.

Opposed SA

Cannibal Plateau (as an addition to the Powderhorn Primitive Area), Gunnison N.F.: The Forest Service-Armstrong proposal is acceptable. Wirth's proposal includes several existing trails, and is close to a N.F. campground.

Davis Peak FPA, Routt N.F.: **Any extension of the Mt Zirkel Wilderness to the west of its present boundaries is unacceptable**. The area between the Mt. Zirkel Wilderness and Big Red Park on the west has numerous existing trails and roads supporting motorized recreation. A group from Steamboat Springs has held an organized competition for motorcycles in the area for at least 19 years. The trails are well maintained and used by motorized recreationists throughout the year.

Opposed SA

Fossil Ridge WSA, Gunnison N.F.: **This proposal is unacceptable in its entirety**. The area contains numerous 4WD roads and single track trails that have been used by motorized recreationists for 20+ years. The trail system is well organized, consisting of interconnectiong loops, and is well maintained on the whole. The area is also frequested by mountain bikers and snowmobiles. It is our belief that much of any existing impact to the ground may be caused by horse traffic. Horses are much more damaging to trails than are motorcycles.

Opposed SA.

Greenhorn Mountain WSA, San Isabel N.F.: We question the suitability of this area for wilderness designation. The road to the top of Green Horn Mountain is passable by the average family sedan, and "cherry steming" the road creates significant administration problems.

Opposed SA.

TESTIMONY ON S. 1343, THE COLORADO WILDERNESS ACT

BY KIT CAPLES

AMAX MINERAL RESOURCES COMPANY

BEFORE THE SENATE PUBLIC LANDS SUBCOMMITTEE

OCTOBER 28, 1989
DENVER, COLORADO

MR. CHAIRMAN, MY NAME IS KIT CAPLES. I AM DIRECTOR OF GOVERNMENTAL RELATIONS FOR AMAX MINERAL RESOURCES COMPANY. I APPRECIATE THE OPPORTUNITY TO TESTIFY ON S. 1343.

AMAX IS A WORLDWIDE SUPPLIER OF METALS AND ENERGY WITH ITS PRINCIPAL BUSINESSES IN ALUMINUM, COAL, GOLD AND MOLYBDENUM. IT IS THE COMPANY'S MOLYBDENUM OPERATIONS THAT ARE LOCATED IN COLORADO; THE CLIMAX MINE IS NEAR LEADVILLE IN LAKE AND SUMMIT COUNTIES, AND THE HENDERSON MINE AND MILL ARE LOCATED IN CLEAR CREEK AND GRAND COUNTIES. TOGETHER, THESE TWO PROPERTIES STILL HAVE THE LARGEST MOLYBDENUM CAPACITY IN THE FREE WORLD.

THE CLIMAX MINE HAS BEEN IN OPERATION OVER 50 YEARS AND THE HENDERSON MINE SINCE 1976. OVER THE YEARS, MILLIONS OF DOLLARS HAVE FLOWED FROM THESE OPERATIONS TO THE LOCAL ECONOMIES OF THESE MOUNTAIN COMMUNITIES. EVEN WITH OUR PRODUCTION LEVEL REDUCED, WE CONTINUE TO BE THE SINGLE LARGEST PROPERTY TAXPAYER IN ALL FOUR COUNTIES. IN 1988, IN THESE COUNTIES ALONE, WE PAID $8.25 MILLION IN PROPERTY TAXES AND OVER $20 MILLION IN PAYROLL DOLLARS. THESE DOLLARS GO TO COUNTIES THAT, FOR THE MOST PART, CONTINUE TO STRUGGLE TO PROVIDE BASIC SERVICES FOR THEIR COMMUNITIES. EVEN IN SUMMIT COUNTY, WHICH BOASTS THREE MAJOR SKI RESORTS, AMAX IS STILL THE MAJOR PROPERTY TAXPAYER.

IN CONTRAST, AMAX'S PROPERTIES HAVE ONLY DISTURBED APPROXIMATELY 4,300 ACRES OF LAND, OR ONLY .002% OF THE LAND IN THE FOUR COUNTIES MENTIONED ABOVE. THIS IS ONLY .0001% OF THE LAND IN COLORADO.

I MENTION ALL THIS TO PREFACE OUR POSITION THAT THESE KINDS OF MOUNTAIN COMMUNITIES DEPEND ON THE CONTINUED USE OF THE PUBLIC LAND RESOURCES. MINING, SKIING AND OTHER RESOURCE DEVELOPMENT INDUSTRIES CAN ONLY OCCUR ON MULTIPLE USE LANDS, AND NOT IN WILDERNESS. YET, THE IMPACT ON THE LAND IS MINIMAL. THEREFORE, WE BELIEVE WITH OVER 2.6 MILLION ACRES OF LAND ALREADY IN WILDERNESS IN COLORADO, S. 1343 SHOULD BE CONSIDERED VERY CAREFULLY AS TO THE POTENTIAL ECONOMIC IMPACT IT WILL HAVE ON THESE RESOURCE-BASED COMMUNITIES.

SPECIFIC PROPOSED WILDERNESS AREAS OF CONCERN TO AMAX.

1. WILLIAMS FORK, VASQUEZ PEAK AND ST. LOUIS PEAKS PROPOSED WILDERNESS AREAS.

THE HENDERSON MINE AND MILL OPERATION IS SANDWICHED BETWEEN THESE THREE PROPOSED WILDERNESS AREAS. THE MINE IS LOCATED ON THE EAST SIDE OF THE CONTINENTAL DIVIDE, THE MILL ON THE WEST SIDE. A 14.6-MILE TRAIN HAULAGE SYSTEM (9.6 MILES IS AN UNDERGROUND TUNNEL) CONNECTS THE TWO FACILITIES. IN MANY PLACES, THE PROPOSED WILDERNESS BOUNDARIES COME WITHIN A MILE OF THIS MAJOR MINING OPERATION.

THE PROXIMITY OF WILDERNESS TO OUR OPERATION CAUSES PROBLEMS FOR BOTH THE COMPANY AND WILDERNESS ENTHUSIASTS. THE USE OF TRUCKS, TRAINS AND OTHER EQUIPMENT NEAR THE AREA CAN BE HEARD FOR SOME DISTANCE. VENTILATION SHAFTS FROM THE MINE AND TUNNEL SURFACE NEAR OR WITHIN THE PROPOSED BOUNDARIES. AMAX ALSO HOLDS MINING CLAIMS WITHIN THE PROPOSED WILLIAMS FORK BOUNDARIES SINCE THE AREA IS HIGHLY MINERALIZED.

WE CONCUR WITH THE FOREST SERVICE'S RECOMMENDATION THAT THE WILLIAMS FORK AND THE ST. LOUIS PEAKS FURTHER PLANNING AREAS NOT BE DESIGNATED AS WILDERNESS. WE ALSO RECOMMEND THAT THE VASQUEZ PEAK AREA BE EXCLUDED FROM WILDERNESS AS WELL.

2. SOUTH SAN JUAN - MONTEZUMA PEAK WILDERNESS STUDY ADDITION.

THIS PROPOSED AREA ENCOMPASSES AMAX'S QUARTZ CREEK CLAIMS LOCATED IN THE NORTHWEST CORNER OF THE FURTHER PLANNING AREA. AMAX DRILLED THIS AREA FROM 1979 TO 1983. AMAX GOLD INC. RESTAKED CLAIMS IN LATE 1988 AND IS REEVALUATING THE POTENTIAL FOR DEEP COPPER-GOLD DEPOSITS.

AMAX STRONGLY OPPOSES THE INCLUSION OF THIS AREA IN WILDERNESS DUE TO THE MINERAL ACTIVITY.

3. OH-BE-JOYFUL.

AMAX CONTINUES TO BE CONCERNED ABOUT THE INCLUSION OF THE OH-BE-JOYFUL AREA IN WILDERNESS. THE FOREST SERVICE, AS A RESULT OF TWO SEPARATE STUDIES, CONCLUDED THE AREA WAS NOT SUITABLE FOR WILDERNESS. BOTH THE USGS AND THE BUREAU OF MINES STUDIES REPORT SIGNIFICANT MINERALIZATION. OLD MINE WORKINGS AND UNPATENTED MINING CLAIMS ARE LOCATED WITHIN THE AREA. RECREATIONISTS, HUNTERS AND EXPLORATION GEOLOGISTS CONTINUE TO USE THE WELL TRAVELED DIRT ROAD THAT CUTS THROUGH THE MIDDLE OF THE PROPOSED 5000-ACRE WILDERNESS STUDY AREA.

WE APPRECIATE THE OPPORTUNITY TO PRESENT OUR GENERAL CONCERNS WITH S. 1343 AND OUR VIEWS ON THE SPECIFIC AREAS WE BELIEVE SHOULD NOT BE INCLUDED IN THIS ROUND OF COLORADO WILDERNESS DESIGNATIONS.

WILLIAM REINERS
DISTRICT #1

XAVIER E. SANDOVAL CHAIRMAN
DISTRICT #3

NEAL J. COCCO
DISTRICT #2

HUERFANO COUNTY BOARD OF COUNTY COMMISSIONERS

WALSENBURG, COLORADO 81089

BARBARA PULLIN
SECRETARY

PHONE 719-738-[illegible]

June 28, 1989

Colorado Congressional Delegation
United States Congress
Washington, D.C. 20510

Dear Senators and Representatives:

This year marks the Silver Anniversary of the passage of the Wilderness Act of 1964. That act stands as a singularly eloquent statement by Congress. It speaks of the value of wild country to our society and the importance of protecting the few remaining fragments, for ourselves and for our children.

Colorado has been a leader in wilderness protection for many years. It was the first state to work for passage of a state-wide wilderness bill in 1979-80, which led to the designation of 1.4 million acres as wilderness.

Today more Coloradoans than ever support wildland protection. A recent state-wide survey showed fully eight-five (85%) percent of Coloradoans support wilderness and seventy-four (74%) percent believe wilderness must have a water right.

Our reputation for leadership has been tarnished in recent years by the inability of Coloradoans to settle the water rights controversy. We have waited six (6) years for a wilderness bill.

Wilderness is an important resource to the state. Some of our most spectacular scenic wonders lie within the boundaries of Colorado's designated and proposed wilderness areas. Wilderness is also a central part of the state's $6 billion a year tourist economy. Thousands of visitors come each year to enjoy these areas. Even for those who do not actually enter an area, wilderness provides the scenic backdrop to other activities these people enjoy and it accounts for much of Colorado's magic and tourist allure. Wilderness is Colorado.

We believe that, while the wilderness negotiations established by the two (2) senators did not produce an agreement, they did provide a clear picture of the conflicts and a solid framework for resolution. There is no better time than now, the Silver Anniversary of the Wilderness Act of 1964, for you to reestablish Colorado's leadership in protecting wilderness lands. We the undersigned urge you to do so quickly.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO.

BY (Absent)
Xavier E. Sandoval, Chairman

William Reiners, Commissioner

Neal J. Cecco, Commissioner

STATEMENT AT HEARINGS ON S. 1343 -- WILDERNESS LEGISLATION PROPOSED BY SENATOR TIM WIRTH.........Denver, Colorado, 28 October 1989

My name is Richard Bradley. I reside in Colorado Springs and am a retired physics professor at Colorado College.

I strongly support the proposed legislation. Among the many reasons we have to maintain some wilderness in our culture is a scientific and educational one. Our survival may depend on it.

Modern civilization so completely buffers us from the natural world that we tend to forget that in the final analysis it is the good earth, not Wallstreet nor industry, that sustains us.

In undisturbed wilderness there exists a stable balance between plants, animals, soil, air, and water, one that has persisted nearly unchanged for thousands of years, illustrating that nature is basically conservative,and recycles resources. Man, on the other hand, is nonconservative: he disrupts ecosystems, consumes resources, fouls his environment, and then applies bandaid measures to his ailing land without ever really understanding the cause of the illness.

If science has taught us anything, it is that we must live according to natural laws. Wilderness areas are outdoor laboratories that can teach us these laws. If we burn them behind us, we do so at our peril.

Richard C Bradley
Richard C. Bradley
1035 Broadview Place
Colorado Springs, CO 80904

Statement in Support of Wilderness Bill 1343

I am Dorothy Bradley from Colorado Springs and am speaking in support of Bill 1343. in two Parts.

Part II

I have been a wilderness user for 43 years, hiking and climbing in the Sierra Nevada of California and the Wind Rivers of Wyoming, as well as here in Colorado.

The family wilderness trips we took while our children were growing up were some of our most joyous and memorable vacations. ~~some of our most joyous and treasured memories~~. There is something pure magic about being in unspoiled, unaltered country that should be a part of every young person's experience and education. It enriches his other life in a permanent way; ~~No These~~ experiences can bring one so directly into contact with the natural world on its own terms.

For adults it's the perfect antidote to the complications and pressures of urban life. For all ages wild country can provide an inspirational value that defies measurement in the usual dollars and cents.

Since precious little is left and demand will grow as population increases, we must act now to save what little remains, and then be ever vigilant in keeping it unspoiled.

Thank you,

Dorothy Bradley

Dorothy Bradley
1035 Broadview Pl.
Colo. Springs 80904

Oct. 28, 1939
Denver, Colorado

Part I

I note the bill upholds the prior water rights of the Cities of Colorado Springs and Aurora in the Holy Cross Wilderness. I have been active in opposing Homestake II through our local Citizens Water Council, of which I'm V.P. I want to state for the record our organization does recognize the legality of these water rights, and we are looking at this project from the financial ~~taxpayers~~ point of view and asking why we in Colo-Springs should spend so much money for so little water. So this is between the citizens of Colo Spgs., + has nothing to do with this bill.

I am Elaine Day

I and my family are for Wilderness areas

I am especially interested in the Sarvis or Service Creek area as my husband and I have ranched and have owned land very near this proposed Wilderness area for over 50 years.

Converting this area into a Wilderness area would change it very little from what it has always been.

It has been a roadless area used for hunting, hiking, fishing and horseback riding as long as we have lived by it

Except for the lumbering operation by an Service lumber mill in the years of 1915 to 1917 there has never been another industry such as mining, oil drilling or further lumbering in it.

Sarvis or Service Creek is the major stream to run through this Wilderness

It does not run through any private land nor is there any direct irrigation for ranches out of it

It runs directly into the river from public lands.

When the national forests were first established under Teddy Roosevelt around the year 1900, There was a great outcry and opposition to it.

The cattle barons, miners and lumberman wanted no restrictions on the land they had always used as their own.

However, in time it proved to be the only way it could be fairly used by everyone.

Today nearly one hundred years later and with our population tripled in that length of time, I feel that once again some land should be set aside for future generations much as it was then.

The proposed Catamount Ski area which lies adjoining our ranch ~~to~~ on the north and entire eastern boundary wishes to have 2000 acres of the designated Wilderness area, added to the 6600 acres the forest will allow them if the ~~area~~ Ski area goes in

(over)

We feel that the forest grant of 6600 acres plus their privately owned 3000 plus acres is ample for a ski area and the 2000 acres of proposed Wilderness area stay where it was ~~to be~~ designated - in the ~~[illegible]~~ Service Creek Wilderness area.

32885 County Road 18C
Steamboat Springs
Colorado 80487

(Orig. Mailing) August 31, 1989, and
(Hand Delivered) October 13, 1989

Senator Tim Wirth
Russell Building, Room 380
Washington, D.C. 20510

Re: Lake Catamount Proposed
Ski Area and Service Creek FPA

Dear Senator Wirth:

Enclosed you will find a copy of our letter to Mr. Jerry Schmidt, Forest Supervisor, Routt National Forest, requesting that the proposed Lake Catamount Special Use Permit not be granted. Also enclosed please refer to our letter of March 30, 1989, to your office. A copy was sent Suzanne Bohan since we had met with her March 21 regarding our concerns of the negative impacts of the proposed ski area which is adjoined on the east and south by the Service Creek FP Wilderness Area.

Our ranch here in Pleasant Valley will be bordered on the north by the development. Stores, condominiums, parking lots, ski facilities, etc. will be built right next to our adjoining fence. Our ranch will be bordered on the east by the ski area.

Our entire domestic, stock, and irrigation water comes from the Green Creek drainage on which a large portion of the ski area will be built, negatively impacting the lifeblood of our ranching operation.

Please consider our concerns regarding additional negative impacts to Green Creek and its drainage if the current 3B Prescription Boundary is moved further east. To include this area, of which approximately two-thirds is Green Creek drainage, as a winter sports site rather than keeping it wilderness as presently proposed, would have even greater potential devastating impacts on our water quality and ranching business.

My husband's parents (Mr. and Mrs. Emile Gay) were Swiss immigrants who homesteaded this valley before 1900. The other two larger ranches in the valley which adjoin Lake Catamount development also are owned by descendents of the Gay family.

We ranchers in this valley feel as if we are being driven out at the expense of skiing after having spent our lives establishing viable ranching businesses.

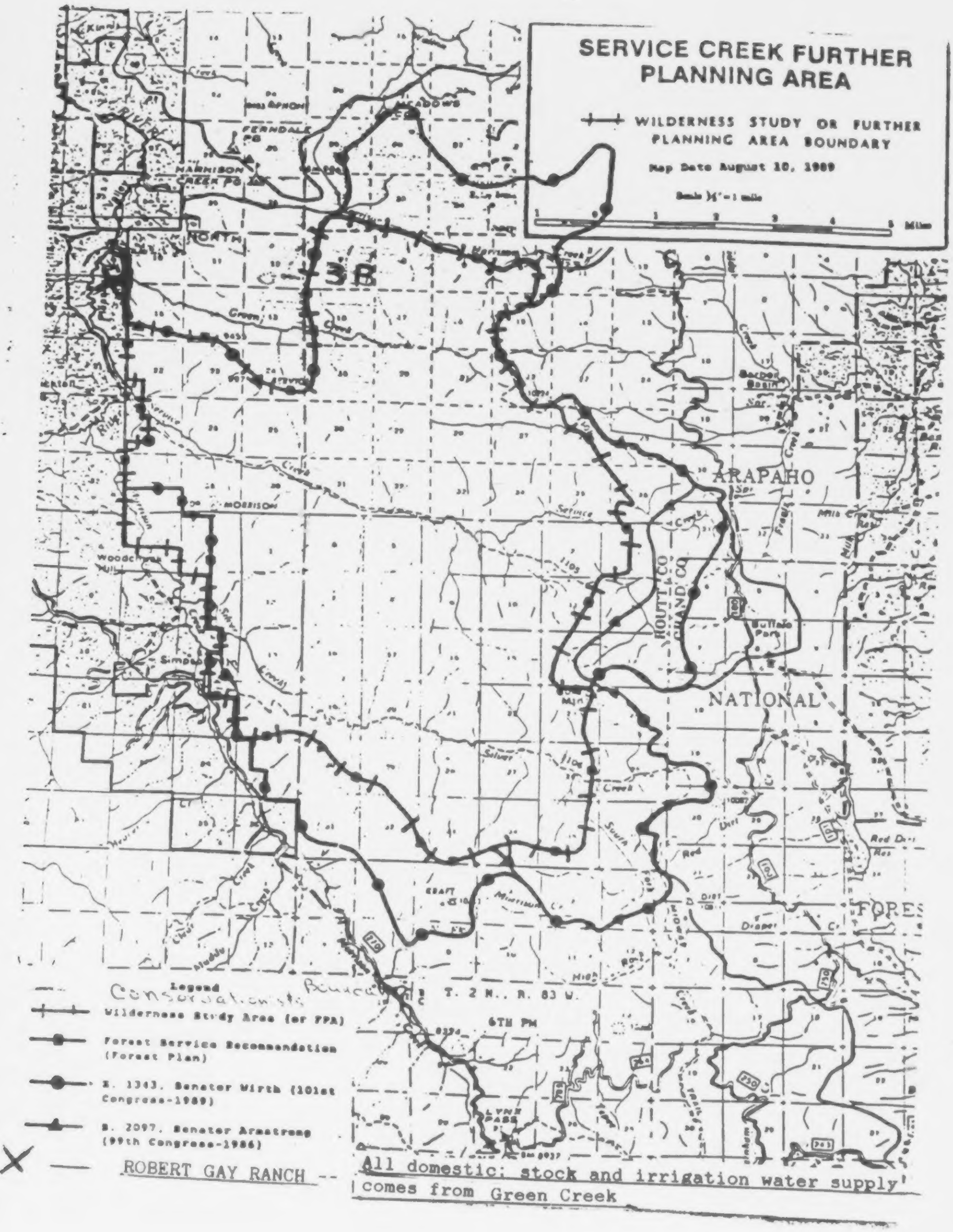
Certainly, there are no working ranches left in the Eagle valley, Vail Valley or in the Aspen/Basalt area. All moved out when skiing took over. There are a few small acreages that are used as hobby ranches with living income coming from other jobs or investments.

Please consider us and support our request for denial of the Lake Catamount Special Use Permit. Also please consider our concern of the negative effects that would be caused by moving the current wilderness boundary proposed by both you and Senator Armstrong. We look forward to hearing from your office and thank you for your time and consideration.

Sincerely,

Robert and Elaine Gay

Encs. 3
cc: Suzanne Bohan / Jim Martin
Gov. Romer/ Sen. Armstrong/ Rep. Campbell/ Gary Cargill, USFS


SERVICE CREEK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
Miles
ARAPAHO
NATIONAL
FORES
ROUTT CO
GRAND CO
NORTH
3B
MEADOWS
FERNDALE
HARRISON CREEK
MORRISON
Simpson
Buffalo Park
LYNX PASS
T. 2 N., R. 83 W.
6TH PM
Legend
Conservationists Bounda
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)

X — ROBERT GAY RANCH -- All domestic; stock and irrigation water supply comes from Green Creek

COPY

June 20, 1989

Mr. Jerry Schmidt
Forest Supervisor, Routt National Forest
29587 West U.S.40, Suite 20
Steamboat Springs, Colorado 80487

Re: Catamount Ski Area Project

Dear Mr. Schmidt:

We are writing to further express our objection to the proposed granting of a Forest Service permit for Catamount Ski Area and our belief that the draft Environmental Impact Statement which has been prepared concerning it is inadequate. Our ranch borders the proposed development and will be significantly and adversely impacted in many ways by the project. This is particularly true if Alternative 3 (full build out of the project and ski area) is approved.

Beyond the negative impacts which the Catamount project will create for us personally, the EIS evidences the failure of the Forest Service to adequately analyze the need for this project. We have seen many figures, many of which are cited in your own materials, referencing the anticipated slow growth of the Colorado skiing industry. This state is already saturated with a number of huge ski developments. The increasing average age of the American population suggests that the number of skiers will decrease or at least increase at a very slow rate in the future. The anticipated skier demand does not justify the significant negative impacts this project would have on public forest lands, on Routt County generally and upon us personally.

The EIS makes little or no comment concerning alternative locations in Routt County for the development of additional downhill skiing sites. The EIS indicates that potential alternative sites have been eliminated from further consideration or will, in the case of the Fish Creek Area, be considered in a subsequent environmental analysis. We cannot understand why you would not consider all possible alternative geographical sites as part of your review of the Catamount project. Your failure to do so will foreclose the possibility of developing such sites at a subsequent time and will lead to a commitment of resources and environmental damage at the Catamount site which cannot be reversed regardless of what subsequent review of other sites may conclude. We cannot believe that any development will ever occur at the Fish Creek Area despite what an environmental review of that area might conclude if Catamount is allowed to proceed. Assuming that additional skiing capacity is needed in Routt County, a fact which we strongly doubt, we would urge you first to make a thorough review of the alternative sites available. The most important of these sites would appear to be the Fish Creek Area. But we note that Alpine Land Company has suggested opening up the lower Priest Creek Area, and such an alternative should certainly be reviewed in the EIS.

On a more personal basis, the proposed development will have a direct negative impact upon our property, business and way of life. All water used on our ranch for domestic, stock and irrigation purposes comes from the Green Creek drainage. The proposed development of Catamount under Alternative 3 would severely degrade our water supply. The EIS seems to indicate that the reduction of water quality would not be significant and could be prevented by some nebulous forms of mitigation. We have little faith that the proposed mitigation will actually protect our water and, even if it is capable of doing so, whether the proposed steps will be rigorously enforced. Further, what protections are we offered in the event that the damage to Green Creek from this development is more severe than your studies suggest? Will we be provided any form of recourse against the developer or against the Forest Service? A very real possibility exists that the increased soil erosion caused by the construction and use of the Catamount ski area development will clog our ditches and pipelines. Given the difficult terrain in this area, our ditches and pipelines cannot be cleaned mechanically and we would be forced to clean and repair them by hand. This is certainly a problem for which the developer should be responsible. Additionally, the clear cutting for ski runs in the Green Creek drainage will lead to the spread of noxious weeds. When slopes are disturbed, the first plants to re-appear are the weeds, and the runoff will carry much greater numbers of seeds through our irrigation system into our meadows, leaving us with a terrific burden to attempt to stem the tide of noxious weeds on our most valuable lands. Use of chemicals by the developer to halt the spread of weeds will only further contaminate our drinking water supply from Green Creek. We believe very strongly that all of the Green Creek drainage should be excluded from any use permit.

The EIS makes it clear that this project as proposed will have a substantial impact upon area wildlife. Once again, we feel the proposed mitigation techniques will do little to protect the area wildlife. As the disruption of the Catamount area progresses, the elk will be forced out of their natural patterns and will move in far greater numbers onto our property to compete with our cattle for hay and grass. The EIS makes no provision for dealing with this problem even though it may threaten the viability of our ranching operation.

The same problems which the EIS discuss with respect to wildlife will also present a significant problem for our cattle ranching operation. The dogs which will be brought to the area by the population within the proposed development pose a real concern for us. We put little faith in the control of this situation by a "dog catcher" as proposed in the EIS. The Catamount developer proposes to widen and use Routt County Road 18C as the main access to the ski base. This road is the access road to our ranch. We use that County road regularly for driving cattle across the Yampa River between our east-side meadows and our west-side pastures. The high traffic flow to the base area will greatly disturb our ability to move cattle within our ranch. We will be forced to completely alter the way we do business, pay for a bridge or alternative livestock routes, or leave the ranching business altogether.

The EIS points out that air quality in the Yampa Valley will decline as a result of the proposed project. There is little if any statement in the EIS how such degradation of the air quality will be prevented. The Forest Service seems to have washed its hands of this matter since it will arise primarily upon the private property of the project developer. Such a policy is inappropriate for this entire project and particularly for the air quality aspects. All mitigation measures for this project must be spelled out in detail and it should not be allowed to proceed until it is known which government agency will enforce each requirement. The quality of air in the Catamount area will impact the surrounding public forest lands by a reduction in the visibility from these lands. This area of Colorado is already experiencing a substantial air quality problem as evidenced by the existing situation in Steamboat Springs. An article in the March 19, 1989 issue of the Denver Post indicated that the average annual level of particulates in the air in Steamboat Springs already exceeds that of downtown Denver. A project which will significantly add to the level of particulates in the area air cannot be justified.

As noted above, we strongly urge a more in-depth review and consideration of the alternatives to the proposed development at Catamount. Further, we believe that extensive negative impacts which development at Catamount would have are not justified by the limited public benefits from the project. You should, therefore, deny the proposed use permit. At the very least any Forest use permit should exclude all of the Green Creek drainage. Such a limitation would protect the Service Creek Wilderness study area and reduce a substantial portion of the adverse impacts to wildlife and upon us.

The proponents of this project are proposing to destroy a unique natural area which can never be restored. Their justification for doing this is the need for additional downhill skiing opportunities. As your own studies have shown, such a need does not exist. The only true benefit of this project will be an economic bonanza to the developers subsidized by a Forest Service use permit. The benefits from this project do not justify its risks. Any consideration of a use permit at Catamount should only be granted in its least harmful form. We strongly urge you to reject this project in its entirety.

Very truly yours,

Robert Gay
Robert Gay
Elaine Gay
Elaine Gay

Lake Catamount
#5789

Sub

APR 3 1989

On

Steamboat Springs, Colorado
March 30, 1989

RECEIVED
OFFICE OF INFO

U.S. Senator Tim Wirth
1129 Pennsylvania Ave.
Denver, CO 80203

Dear Senator Wirth:

First, we want to thank your aid, Suzanne Bohn, for meeting with us. She was most helpful and gracious.

We have many concerns about the proposed Catamount Ski Area project. It will border our ranch on the north, where the condos and business buildings will be built right next to our northern boundary fence, and the ski runs and lifts will border our entire eastern boundary line.

Our ranch consists of 2000 acres of deeded land plus considerable leased land. Bob was born in this valley. His parents were among the first homesteaders to settle this valley before the turn of the century.

Concern number one is the traffic impact that will hinder the moving of our cattle from meadow to meadow and then onto higher pasture. They are moved a good number of times during the year, winter and summer. They will have to be moved through the traffic going to and from the ski area. Moving cattle through heavy traffic is an almost impossible task, as you well know.

The air pollution problem is of very great concern to us. This is a very small valley, closed in on all sides by hills and mountains. There is seldom any wind or breezes to aid in cleaning out the air. With a ski area that projects skier visits from 196,000 people in 1991 to over 686,000 in the year 2001, the air would become impossible to breathe.

There is already a brown cloud from the Steamboat Ski Area that spreads halfway through the much larger Yampa Valley on most of the heavy skier days in the winter. Most of it is from cars, not fireplaces.

Our next concern is Green Creek which will be greatly impacted by skiers and ski lifts as well as by the construction being done on them.

This area was not included in the original ski area until after 1984 when someone apparently went to Washington, D.C. and lobbied to have it added to the ski area, presumably the Steamboat Ski Corp. who plans to develop the Catamount Ski development.

All our water, domestic, stock and irrigation, for our headquarters here on the ranch comes from Green Creek. It heads at the Continental Divide, directly east of our ranch. We have the sole water right out of Green Creek.

Our greatest concern is of the silt from all their construction work on the lifts, buildings and roads filling our ditches and water pipes. These are not accessible to any machinery and would all have to be cleaned manually. We feel this would cause a great hardship to us.

The ski area now extends south of Green Creek to the Service Creek drainage. Proposed lifts and runs would be built across Green Creek. Bridges across Green Creek would be built as well.

Another concern is we fear that the displaced elk that have always grazed on the proposed ski area will all be funnelled onto our land, as there will be no place else for them to go.

While we have always had elk graze with our cattle and come onto our feed yards and corrals and eat hay with our cattle in the winter, we have always felt there was usually a manageable number of them. This would, however, increase the number a great deal.

I will add that we have never claimed damages from game and fish for any of their grazing or eating of our hay.

We feel that our concerns are not addressed adequately by the Environmental Impact Statement, if at all.

Unless they are, we feel we will be forced out of business.

Respectfully yours,

Bob and Elaine Gay
32885 Rt. Co. Rd. 18C
Steamboat Springs, CO 80487

Statement of

John Porter
General Manager
Dolores Water Conservancy District
Dolores River Reclamation Project, Southwest Colorado

before the

UNITES STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

regarding

S. 1343

at the field hearing

City and County Building
Denver, Colorado
October 28, 1989

INTRODUCTION

I am John Porter. Until 1984 I was a rancher, farmer, irrigator in Montezuma County. I have been the General Manager of the Dolores Water Conservancy District (DWCD) since 1982. The DWCD is the operating entity of the McPhee Reservoir and the Dolores Project. The Dolores Project is a multi purpose water storage project now under construction by the Bureau of Reclamation.

The Dolores Water Conservancy District (DWCD) is vitally interested in the designation of additional wilderness areas in Colorado. Our interest is motivated by the fact that there is a wilderness area being studied by the Bureau of Land Management downstream of McPhee Reservoir.

As illustrated by the map: Here is the Dolores Drainage, with the Mount Wilson & Lizard Head Upstream Wilderness areas; here is McPhee Reservoir; here is the Montelores Valley, where all of the commercial non-recreational uses of the water occur; here is the proposed BLM "Lower Dolores" River Wilderness study area

Except for the minimum downstream release, all other uses of the waters of the Dolores River and McPhee Reservoir are a trans-basin diversion into the San Juan River Basin. 145,000 AF of Agricultural water for the 36,000 acres irrigated under the Montezuma Valley Irrigation Co. system. 55,000 AF of Agricultural water for the 28,000 acres of Dolores Project "full service" lands. 23,000 AF of Agricultural water for the 7,500 acres of Ute Mountain Ute Indian lands. 8,700 AF for Domestic, Municipal & Industrial water the Towns of Dove Creek, Towaoc, Cortez and all of the rural area in between. 1,600 AF for fish & wildlife development in the San Juan Drainage.

The first tunnel to divert water from the Dolores River was finished in 1886. Therefore, historically speaking, or for at least the 100 years of prior to the construction of McPhee Dam, the Dolores River below the Town of Dolores was a dry River during the irrigation season. That was from the end of the "runoff" season (June 15th) until cold weather iced up the canals in the fall (Dec 1st). It is only because of the sacrifice of 10,000 less irrigated acres in the "full service" portion of the Dolores Project that the Dolores River is now a "full time" river. Tha "full time" river scenario requires 25,000 AF of the firm yeild of McPhee Reservoir.

TESTIMONY

The bottom line to all this explaination is that any additional water (except excess "runoff") required to be released downstream of McPhee Dam, will take away, rob, deny, some paying user in the Montelores area their right to the benefical use of that water. _ THAT IS WHY SENATOR WIRTH, WE ARE SO FEARFUL, SO APPREHENSIVE, AND PRESENTLY OPPOSED TO YOUR LEGISLATION. We are opposed because of the unknown, and the potential precedent that would be established. In our opinion the consequences of S. 1343 could negatively impact our use of water from the Dolores River.

The DWCD is not opposed to the designation of additional wilderness lands.

The DWCD recognizes that not one of the areas proposed in S. 1343 directly impacts the Dolores River Basin.

The DWCD recognizes that the designation of "headwater" areas would not, in most instances, adversely impact "downstream" water rights.

However, the DWCD is aware of the fact that no wilderness area in Colorado presently has a water right.

Therefore, the DWCD is of the opinion that an expressly reserved water right WOULD impact "downstream" rights. It is our opinion that the granting of an express right in a "headwater" area would most certainly set a precedent for future "downstream" designations. Once an "upstream" area has been granted a water right, either impliedly by the courts, or expressly by legislation, we can not envision a "downstream" area being created without a demand for a comparable water right.

If that comparable water right was quantified to be less than or equal to the present designated minimum stream flow, Senator Wirth, we could support your legislation. On the other hand, if we allow an "upstream" wilderness area to be designated with a water right that is greater than the minimum stream flow right, and then subsequently a "Lower Dolores area" with a comparable water right is proposed, from our uses standpoint, "we have given away the store", we will have lost any bargaing chips we might have had. In essence our negotiation position is gone.

CONCLUSION
The Dolores Water Conservancy District opposes enactment of additional wilderness legislation in Colorado until the issues of water rights for potential "downstream" areas has been satisfactorily addressed. We suggest that S. 1343 be ammended to either **be silent with regard to water rights** or **quantify a water right equal to the amount of the present minimum stream flow in the specific area.** In the absence of either of these to solutions, I'll refer you to Don Schwindt's testimony. Don is Vice President of the Board of Directors of the Dolores Water Conservancy District.

Thank you Senator Wirth, for this opportunity for input into your legislation. We ask that you address our concerns.

MEC

MINERALS
EXPLORATION
COALITION

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In Public Policy

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STATEMENT OF

MINERALS EXPLORATION COALITION

ON

S. 1343
COLORADO WILDERNESS ACT OF 1989

BY

JERRY W. DANNI
REGIONAL MANAGER OF ENVIRONMENTAL AFFAIRS
HOMESTAKE MINING COMPANY

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

OCTOBER 28, 1989

BOARD OF DIRECTORS
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Mr. Chairman and members of the subcommittee, my name is Jerry Danni. I am Regional Manager of Environmental Affairs for Homestake Mining Company. I am here today on behalf of the Minerals Exploration Coalition (MEC). MEC represents member companies and individuals engaged in the exploration of hardrock minerals. The membership of MEC includes major mining companies, small mining companies, mineral exploration consultants, and individuals associated with mining and exploration. We appreciate this opportunity to offer comments on S. 1343, the Colorado Wilderness Bill.

When Congress created the National Wilderness Preservation System in 1964, the system consisted of 54 wilderness areas encompassing 9 million acres of federal land. Since that time, Congress has passed 72 additional wilderness laws creating 455 wilderness areas, encompassing nearly 90 million acres. The original intent of the Act was to preserve those areas possessing truly unique qualities. The framers of the Act never intended for large acreages of federal lands to continue to be withdrawn from multiple use, seemingly without end.

In Colorado, 1.4 million acres already exists as wilderness, prohibiting mineral exploration and development on these lands. S. 1343 would result in another 54% increase in this acreage.

The presence of minerals and potential mineral discovery and production in some of the proposed wilderness areas contained in S. 1343 is of primary concern to MEC. In order for the mining industry to continue to supply essential minerals and provide jobs, land must be available for mineral exploration to discover new reserves. Mineral resources are not a "bankable" option for the future if they cannot be discovered. As a basic industry, mineral exploration and development is delicately woven in the supply and demand which drives the economic system. Availability of tomorrow's resources rests exclusively on todays exploration, and the ability to access public lands.

The best overall utilization of public lands for the greatest public good is through multiple use management, rather than the continued withdrawal of large acreages for non-use wilderness. Multiple use management has the capability of adequately safeguarding the environment, including preserving those areas with unique characteristics, while at the same time allowing for mineral development.

Mining is compatible with the environment. There may be no more regulated industry than mining. Not only is the Federal Government specific in its requirements, the state of Colorado and local governments have stringent laws and regulations affecting this industry. Contemporary mining practices are based upon an enlightened resource development philosophy which recognizes there is no trade-off between economic gains and environmental losses.

This commitment has become standard for the mining industry. The mining industry recognizes the need to protect unique areas of environmental sensitivity. However, this should be accomplished through sound multiple use management, not through wilderness legislation.

Although MEC opposes any further additions to Colorado's already vast wilderness system, current political reality dictates that more public lands will be withdrawn from mineral entry by future wilderness legislation. However, we recommend that any Wilderness Study Area, or portion thereof, that shows significant mineral potential should be returned to multiple use management.

MEC, in conjunction with the Colorado Mining Association, will be submitting more detailed testimony to the Subcommittee on S. 1343. This testimony will include a comprehensive report detailing the mineral resources of the Wilderness Study Areas.

The cumulative effects of continued direct and indirect removal of lands from mineral exploration and development, particularly in a State with the proven mineral potential of Colorado, has severe immediate and long term implications for the mining industry and the State's economy in general. MEC strongly encourages that the Subcommittee take into account mineral potential when considering wilderness legislation.

CITIZEN'S WATER COUNCIL, INC.
A Nonprofit Corporation
W. L. PFEIFFER PRES.
310 HIDDEN VALLEY RD
COLO SPRINGS. CO 80919

against Homestake II & we support your bill

MY TALK AT WILDERNESS MEETING DENVER 10/28/89

apologize for our city council they only have listen to Harold Mischel

Isn't it very interesting and quite significant that whenever an individual or group needs to recharge their batteries so many of them head to our high country. So it's not surprising that many organizations have patterened themselves after the Outward Bound to supply this need.

This summer one of my sons and I backpacked again into one of our wilderness areas. This in itself is certainly nothing new since we have been doing this for 30 years. But this time we had a new companion. His son my 3 year old grandson. So once again it brought home how much the wilderness has meant to me and my family. Therefore I pray that I will do everything in my power to protect this marvelous experience for my grandchildren and their grandchildren.

✓ I am a native Coloradoan and have been a registered Republican my entire voting age. I have been a precinct committeeman and a delegate to many county and state conventions.

✓ So I would like to say to all politicians and especially my fellow Republicans. If you don't think that its a new ballgame out there today in regard to our environment then your political job is in great jeopardy. The vast majority of the people in Colo are fed up with the plundering of our natural resources for the all mighty dollar. We realize how short sighted this is and you had better also.

I would like to think that the good Lord is looking more favorably on my trying to heal and protect our Planet than on Senator Bill Armstrong who seems to me more interested in keeping a Fort Carson soldier from seeing PLayboy magazine than protecting our high country.

CITIZEN'S WATER COUNCIL, INC.
A Nonprofit Corporation

Page 2 Wilderness Talk Denver 10/28/89

✓ Pres. Bush has said that he wants no loss of wetlands. I have been corrected that what he said was no net loss. However I dont believe he means its ok to loose a wetland in the Holy Cross Wilderness Area as long as we build a new one in Colo Springs. Even as absurd as this is we have opponents that believe this.

A few months ago in Paris it was suppose to be an International Economic Summit that turned out to be an Environmental Summit.

So all politicians if you aren't with the program you had better quit watching so many Wheel of Fortune TV programs and start watching McNeil/Lehrer Newshour.

✓ I would like to predict that the Human Colo Buffalo is now an endangered species and once again with Gods help I'm going to Do everything I can to see that they soon become extinct.

~~Remember Ladies and Gentlemen-~~
WE SUPPORT YOUR WILDERNESS BILL

WILDERNESS WITH WATER, AND I REPEAT WITH WATER,

IS WHERE LIFE BEGINS

WHEN IT DIES SO DO WE

Thankyou

GUEST ESSAY

Two cities in search of a little water and a lot of debt

by William L. Pfeiffer

If the cities of Colorado Springs and Aurora have their way, an 11-mile water tunnel will burrow through the Holy Cross Wilderness in the remote Sawatch range of Colorado. The tunnel will be part of the massive Homestake II transmountain water project. Water will be fed into the tunnel by diversion dams to be built on West Cross Creek, Cross Creek, East Cross Creek and Fall Creek at elevations of 10,500 feet and higher.

Homestake II will not be built without a fight. Although several major environmental groups signed off on the project as part of a 1980 deal designating wilderness in Colorado, the project is being opposed by Eagle County (Vail) and several small environmental groups. In fact, three court cases are still open and the battle will not be decided until the next century.

Much of the litigation and arguments turn on impacts of Homestake II, but I would like to examine another aspect of the project — its staggering cost.

The Citizen's Water Council of Colorado Springs was formed in 1988 to study the cost of Homestake II. Our research offers compelling evidence that Homestake II, if developed, will be a financial burden for years to come.

The Homestake project began in 1955, when Colorado Springs and Aurora bought water rights in the Holy Cross watershed — rights that Denver had turned down twice as too expensive. In 1980, when the Holy Cross Wilderness was designated, the law left the water rights and the right to develop that water intact.

The first phase of the master plan, Homestake I, was completed in 1967. It lies outside the wilderness area. Total water received is 25,800 acre-feet or 12,900 acre-feet for each city. Costs were originally estimated at $33.5 million, but the actual cost was $63 million. Today its price has soared past the $100 million mark due to massive tunnel cave-ins and maintenance problems. Also, after 20 years, the cities are being forced to live up to their environmental mitigation agreements, which will add to the cost.

Homestake II is a much larger and more complicated undertaking and its cost estimates are muddled. In 1980, the Colorado Springs Utility Department claimed the price would be $140 million. In 1983, the figure was dropped to $93 million, with no adequate explanation for the decrease. Today, spokesmen hedge all bets by saying that construction will be "reasonable."

The truth is that the cost could soar to over $300 million. Extraordinary expenses will be incurred due to 11 miles of tunneling. Part of the expense will be due to carting the muck away from the wilderness. The tunnels must also be lined to shore up the unstable fragmented granite.

Mount of the Holy Cross, from Notch Mountain.

Estimating the cost of tunneling projects in the mountains of Colorado is notoriously unreliable. All projects have had tremendous cost overruns and delays. Colorado Springs has had its share of underground fiascoes, the most recent occurring in June 1989 on the Front Range. A state-of-the-art tunneling machine broke down after hitting loose gravel in a fault just 785 feet into a proposed 3.3-mile passageway. Ironically, this dream machine had been ballyhooed as an inexpensive way to dig the 11-mile wilderness tunnel.

Part of the huge price tag of Homestake II is the result of litigation instigated by the Holy Cross Defense Fund and other environmental groups. The cities have already spent over $5 million on studies and lawsuits; appeals will use up more millions.

Never will so much money be spent for so little water. Each city will receive an estimated 10,800 acre-feet of water at a price of up to $15,000 per acre-foot. Compare this with the Foxley Purchase of Arkansas River water recently acquired by Colorado Springs at $2,000 an acre-foot. That 15,000 acre-feet came with storage rights in Twin Lakes and is already being delivered via the pipeline that had been reserved for Homestake II water.

The fact is that Colorado Springs does not need Homestake II water now or ever. The city today has annual supplies of 217,600 acre-feet of water, excluding Homestake II water. That's enough to meet the needs of triple the present population. Nevertheless, the city's utility department argues that it needs Homestake II to provide for future growth.

Despite the fact that a consumer conservation program would save considerably more water than Homestake II will provide, conservation is not encouraged in Colorado Springs. The utility department claims it needs to sell as much water as possible to pay off its indebtedness and meet operating expenses.

The Colorado Springs utility is city-owned and answers only to an over-worked city council. In the past, aggressive water acquisition policies have been rubber-stamped by the council and commended by the community as far-sighted. The policies served the city well in a time of rapid growth and relatively cheap and accessible water.

But times have changed. In the words of a *Denver Post* columnist, "The Colorado Springs economy is a wreck." This is a military town, but Star Wars funding has been slashed and other military budgets have been cut. The three largest thrift associations are operating under government control and other city lenders face tremendous losses. Some high-tech firms have retrenched and IBM and Data General have closed their doors. Real estate values have plummeted and several builders and developers have filed for bankruptcy.

With no prospect for growth and with a surplus of water, the city bureaucracy, programmed 35 years ago to build the transmountain diversion monument, still doggedly pursues its sacred cow despite skyrocketing costs and growing opposition. Building dams and tunnels is more gratifying to the ego — and much more fun — than implementing conservation programs. But hardly as cost-effective!

The continued commitment to building Homestake II is financially and ecologically irresponsible.

It's time we quit squandering our precious, life-giving commodity. To meet tomorrow's needs, we must change our priorities and find better ways to treat, reuse and conserve water. It can no longer be wasted at the expense of the environment and the pocketbook.

■

William L. Pfeiffer is a Colorado Springs stockbroker who helped found the Citizen's Water Council Inc. His address is 310 Hidden Valley Road, Colorado Springs, CO 80919.

I think the wilderness is important because give us a place to see wild animalls and it bring money in to our state. The wildernes also give us Treas that intern-give us oxyegen.

Alex Dorgan-Ross

Oct. 28 1989

Age 12
Boulder, Colorado

Gary Herman
p. 1 of 2

Oct. 28,1989 Senate Subcommittee Hearing
on Sen. Wirth's Wilderness Proposal

I AM GARY HERMANN, I LIVE AT 7985 SO. MONACO COURT IN ENGLEWOOD.

I AM [redacted] A PROFESSIONAL AGRICULTURAL ENGINEER AND AN ENVIRONMENTALIST.

I AM OPPOSED TO THE EXCESSIVE TAKING OF LAND AND PRIVATE RIGHTS AS PROPOSED IN SEN. WIRTH'S WILDERNESS PLAN. MY OPPOSITION IS BASED ON THREE MAJOR ISSUES:

1. MANY OF THE AREAS PROPOSED BY WIRTH WERE EVALUATED IN THE RARE II STUDIE'S AND FOUND ,BY PROFESSIONAL LAND AND RESOURCE MANAGERS OF THE U.S.FOREST SERVICE, TO NOT QUALIFY FOR WILDERNESS STATUS. IN MY PERSONAL LIFE AND CAREER, I HAVE LEARNED TO TRUST THE EXPERTS. THE WILDERNESS PROPOSAL [redacted] BY SEN. WIRTH AND A GROUP OF NON-PROFESSIONALS, TO RESERVE [redacted] THE LAND FOR THEIR OWN USES OF PACK PACKING AND HIKING, TO THE EXCLUSION OF MOUNTAIN BIKERS AND OHV USERS, IS UNACCEPTABLE.

2. AS I HAVE SAID, I AM AN ENVIRONMENTALIST, BUT I BELIEVE IN A BALANCED APPROACH. MY MOTORCYCLE IS DESIGNED TO RUN QUIETLY AND I USE THE NEW STYLE ENVIRONMENTAL TIRES TO ELIMINATE TRAIL DAMAGE. I AND MY FAMILY AND FRIENDS THAT RIDE MOTORCYCLES ON DESIGNATED FOREST SERVICE TRAILS DO SO IN A COURTIOUS MANNER THAT DOES NOT DISTURBE REASONABLE BACKPACKERS, MOUNTAIN BIKERS, AND HORSE RIDERS WHO SHARE THE TRAILS. WIRTH'S PROPOSAL WOULD, IN MANY AREAS, TAKE AWAY MY PREFERED METHOD OF ACCESS TO OUR FOREST LANDS.

Gary Neuman
p. 2 of 2

3. I AM PARTICULARLY OPPOSED TO THE FOSSIL RIDGE AND SANGRE DE CRISTO AREAS AS PROPOSED BY WIRTH. BOTH OF THESE WOULD ELIMINATE ~~AREAS~~ ACCESS TO LONG STANDING MOTORCYCLE USE ON THE FOSSIL RIDGE AND RAINBOW TRAILS. I SUGGEST, FOR EXAMPLE, THAT THE SANGRE DE CRISTO WILDERNESS BE REDUCED TO ALLOW CONTINUED USE OF THE RAINBOW TRAIL.

I HAVE NO ON-THE-GROUNG EXPERIENCE ON WIRTH'S OTHER PROPOSED WILDERNESS AREAS, BUT BASED ON MY REVIEW OF THE DATA, MANY OF THESE ALSO LACK A GOOD BASIS FOR DESIGNATION AND WILL ELIMINATE THE USE OF MANY MILES OF EXISTING JEEP ROADS AND MOTORCYCLE TRAILS. IN ADDITION, THE AREAS OF EXISTING USE DO NOT FIT THE STANDARDS FOR WILDERNESS DESIGNATION.

I DO SUPPORT THE WILDERNESS CONCEPT, BUT SENATOR ARMSTRONG'S WILDERNESS PROPOSAL IS MUCH MORE BALANCED ~~AND I WOULD SUPPORT IT~~.

THANK YOU.

ALISON L. SPALDING
US SENATE
COMMITTEE ON ENERGY & NATURAL RESOURCES
312 DIRKSEN BLD.
WASH. DC 20510

DEAR MADAM:

THIS LETTER IS MEANT TO CONVEY MY SUPPORT OF SENATOR WIRTHS BILL 1343.

HAVING BEEN A RESIDENT OF SILVERTHORNE, COLORADO FOR THE PAST 10 YEARS & AVID BACK-COUNTRY USER - I CAN WHOLEHEARTEDLY LEND MY PEN & AIR TO THIS BILL.

THE VERY REASON THAT MANY PEOPLE VENTURE TO COLORADO IN THE FIRST PLACE IS TO EXPERIENCE & VIEW WHAT REMAINS OF OUR WILDERNESS. THE ONE WAY TO ENSURE THAT TOURISM CONTINUES TO GROW IN THIS STATE IS TO PROTECT THAT VERY WILDERNESS BY PASSAGE OF THIS BILL.

ONE PARTICULAR AREA UNDER QUESTION IS THE WILLIAMS FORK RANGE WHICH IS PRACTICALLY OUT MY BACK DOOR & HAVING TOURED & HIKED THIS AREA EXTENSIVELY, I CAN THINK OF NO BETTER AREA TO DESIGNATE AS WILDERNESS.

THIS AREA WOULD ACT AS A BUFFER ZONE OF NO DEVELOPMENT BETWEEN RAPIDLY GROWING SUMMIT COUNTY, INTERSTATE 70 & WINTER PARK.

ALL THE DEBATE OVER THE WATER ISSUE HAS BEEN MADE A NON ISSUE IN MY OPINION BY THE WORDING IN THIS BILL.

MANY OTHER ARGUMENTS COULD BE MADE FOR WILDERNESS IN COLORADO & MY ONLY PROBLEM WITH THIS COMPRIMISE BILL IS THAT IT DOESN'T GO FAR ENOUGH. I WOULD LIKE TO SEE MANY MORE AREAS INCLUDED INTO THE WILDERNESS PRESERVATION SYSTEM, BUT THIS SEEMS A GOOD PLACE TO START.

SINCERELY,

378 WILLOW LAKE CT.
SILVERTHORNE, CO.

Testimony for the Hearings of the Senate Subcommittee on Public Lands

Submitted by the Western Colorado Congress
October 28, 1989

Senator Wirth and Members of the Subcommittee:

Thank you for the opportunity to submit testimony on behalf of the Western Colorado Congress, or "WCC." My name is Mary Donahue. I am a Denver resident and serve on the WCC policy-making body known as the Senate.

The Western Colorado Congress is a grassroots citizens' organization representing over 1100 members and ten community groups based on the Western Slope. Since 1980, WCC members have been actively working on utility, water, forest management, toxic waste, family farm, and air quality issues which effect our communities.

WCC recently adopted an official position in support of Senator Wirth's wilderness bill (S. 1343). The Wirth bill recognizes the need for the designation of additional wilderness areas in Colorado, and at the same time represents a balanced solution to the divisive questions surrounding the wilderness issue.

Western Colorado Congress supports the passage of the Colorado Wilderness Act in the upcoming Congress, and casts our vote in favor of the compromise language contained in Senator Wirth's bill.

Thank you for the opportunity to testify.

Statement of

Don Schwindt
Vice President, Board of Directors
Dolores Water Conservancy District
Dolores River Reclamation Project, Southwest Colorado

before the

UNITES STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
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City and County Building
Denver, Colorado
October 28, 1989

INTRODUCTION My name is Don Schwindt. I am a commercial irrigated alfalfa producer in Montezuma County. I am Vice President of the Board of Directors of the Dolores Water Conservancy District. John Porter, our General Manager, in his testimony today, explains specifically our District's interest in wilderness bills. Rather than repeat his testimony, mine is designed to complement it. Primarily, I am here to today to testify on behalf of the District. However, I do have strong opinions about water rights, so undoubtedly my personal biases will be interjected. I am a Sierra Club member, because I am an advocate of the wilderness experience. I am a member of San Juan Basin Farm Bureau. I am an active Democrat. I am proud of each of these affiliations, although normally I do not publicly broadcast them. I only do it today to illustrate my sympathies for divergent viewpoints and emphasize my belief that widely different perspectives can find common ground.

TESTIMONY My understanding of the original 1964 Wilderness Act is that the reason it was silent on designation of water rights, was because the water user community did not see any water rights being granted with the designation. Twenty years after the original legislation, Sierra Club vs. Block litigation opened the issue of a water right for a wilderness area. Without the benefit of that litigation being resolved through the appeals process, the issue of the creation and the quantification of a wilderness water right has to be negotiated "up front" before additional designations can be legislated.

From a layman's perspective, S. 1343 is an attempt to circumvent the litigation with regard to water rights. This legislation follows the failure of a wilderness water rights negotiating team, established by Senator Wirth & Senator Armstrong, to reach a satisfactory compromise on this issue. We feel that S. 1343 is premature. Nobody ever thought the negotiation would be easy. The issues are too complex and emotions are polarized, but just because the 1st panel did not succeed does not mean the process should be abandoned. I find it inappropriate that just because the first try at negotiation deadlocked, you Senator Wirth decided to abandon some of your Colorado constituents and take the issue to Washington. You chose to enter the national arena instead of lending your fine leadership abilities to the State discussion, where it belongs. The 1st panel made a lot of progress. I suggest, reconvene the panel, slightly reconfigured if need be, and let them have another try at negotiating a settlement. Hopefully, they can finish the job. Negotiated settlement to the water rights question is mandatory to obtaining broad support for your legislation.

CONCLUSION

We feel it to be only fair that the wilderness water rights issue for both upstream and downstream wilderness areas be settled "up front". Our democracy is set up to deal with these tough kinds of problems. Compromise is the essence of our political process. Negotiation is the way to achieve compromise.

Testimony of John Stansfield (Box 588, Monument, CO 80132) representing The Pikes Peak Group of The Sierra Club, before the Senate Public Lands, National Parks and Forests Subcommittee on October 28, 1989, concerning S. 1343, The Colorado Wilderness Bill.

Please include the following comments in the official hearing record:

The 1,000 members of the Pikes Peak Group of the Sierra Club in El Paso and Teller Counties, Colorado eagerly support S. 1343, The Colorado Wilderness Bill, as introduced by Senator Tim Wirth. We support the areas and acreages proposed for Wilderness designation, as well as the natural resource management objectives on which the bill is based. The Wilderness designations mandated in S. 1343 are equitable, necessary and long overdue. We urge quick Congressional action to make these designations a reality.

The Pikes Peak Group of the Sierra Club has, since its inception in 1970, been actively involved in Wilderness study, the Wilderness designation process and wilderness recreation. Through RARE I and II, the Colorado Wilderness Bill of 1980, the ongoing BLM Wilderness process, and up to today, our Group has maintained its interest in Wilderness preservation. Members of our Group are quite knowledgable about many of the areas proposed for inclusion in S. 1343 and cherish their wild qualities.

The Pikes Peak Group of the Sierra Club supports the following areas for Wilderness designation:

Big Blue Additions--3,900 acres
Buffalo Peaks--58,160 acres
Cannibal Plateau-Powderhorn--69,940 acres
Davis Peak--36,000 acres
Fossil Ridge--55,560 acres
Greenhorn Mountain--24,130 acres
Lost Creek Addition--11,000 acres
Oh Be Joyful--5,500 acres
St. Louis-Vasquez--24,160 acres
Sangre de Cristo--252,080 acres
Service Creek--54,700 acres
S. San Juan Addition--32,800 ac.
Spanish Peaks--19,570 acres
Spruce Creek--8,000 acres
Weminuche Additions--8,650acres
West Needles--22,110 acres
Wheeler--25,000 acres
Williams Fork--40,000 acres

In addition, we recommend Wilderness Study Area status for:

Piedra--60,000 acres
Purgatory Flats--2,240 acres

We hope to see these areas a part of the Wilderness Preservation System in the near future.

There are several other areas in Colorado National Forests we feel also meet the criteria for Wilderness designation. They are:

Bears Ears--40,000 acres
Pagoda Peak--105,700 acres
Pole Creek Mountain--66,500 acres

We request their addition to this Bill, so that their valuable wild resources can be adequately protected.

We are particularly familiar with the proposed addition to the Lost Creek Wilderness of 11,000 acres. Given the current ill-defined nature of the western boundary of the Wilderness, the convergence of the Kenosha and Platte River Mountains, which includes fine scenery, wildlife habitat and the pristine Rock Creek drainage, has been excluded. The Lost Creek Wilderness addition would remedy this situation, providing much clearer topographic boundaries for the area, as well.

It is the Pikes Peak Group's feeling that S.1343 provides an excellent answer to questions raised regarding Wilderness-related water resources. Any prudent and reasonable person would agree that the Bill does all necessary to protect existing water rights, originating in or related to the proposed Wilderness areas. And this is done without prejudicing the future resources within potential Wilderness candidate areas not under consideration at the present time. S.1343 is the right solution for the few water resource conflicts which actually exist.

In closing, it is a privilege to be able to testify at such a hearing as today's. Such opportunities have been few and far between during the past nine years, though they were a common and welcome occurence during the 1960's and 1970's. Such hearings are an exciting example of democracy in action. They are, among other things, educational opportunities for the public and for Congress. They are well worth the effort and expense it takes to put them on. Thank You.

HEARING TESTIMONY
1989 COLORADO WILDERNESS BILL, S. 1343
October 28, 1989
Brad Edwards, 2828 Cherry Lane, Ft. Collins, CO 80521

With the recent transfers of Phillips and Mobil Oil employees from Denver, I have noted the potential for alarm at how economic decline might be attributed to a so-called "lock-up" of resources in wilderness. But have you noticed how Japan and western europe are becoming some of the most prosperous regions in the world primarily due to their developing of human resources to offset their extreme deficiency of natural earth resources? Generations are growing up now who are learning more to voluntarily cooperate in supporting mutual enjoyment of life rather than making each other miserable through barbaric competition such as is still so prevalent here. The sooner we shift our own emphasis from natural to human resource development, the better off both we and our natural resources will be. How can our greatness be measured more by our production of great technology than of great people when great people are necessary to produce great technology?

This obsession with natural resources and neglect of human potential has placed ourselves and Australia in the position of being the only two industrialized countries which have more in common with underdeveloped third world cultures than with the rest of modern industrial civilization. Disregarding how cultural development makes life more enjoyable, how durable is it compared to natural resource development? Returns in lowered resource demand, along with increases in innovation and productivity from investment in people, are effectively limitless. In contrast, domestic resource exhaustio will not be long delayed at existing rates of exponential growth in resource consumption, even if all our remaining wilderness is intensively exploited. Wilderness protection encourages cultural development in many ways while maintaining a resource reserve for the day when our evolved culture and economy will be able to so much more efficiently benefit from it than we can now, without leaving parched riverbeds, minewater contamination, road and erosion scars, nutrient-poor soils, and forests of diseased and scrawny even-age monocultures.

So little is left of our state's potential wilderness to protect, but this bill still only protects a fraction of that. I do not oppose S. 1343, but my disillusionment with the process of compromise regretfully limits my enthusiastic support for it. A few years ago one compromise produced a bill protecting a paltry 1.2 million acres. THIS is now further compromised to only 3/4 million acres. What will be the final figure when signed into law?

TESTIMONY OF MARTIN SORENSEN
IN SUPPORT OF
THE COLORADO WILDERNESS ACT OF 1989

OCTOBER 28, 1989
DENVER, COLORADO

Twenty-five years ago a breath of legislative fresh air blew across the American landscape. A National Wilderness Preservation System was created by the passage of the Wilderness Act of 1964. Nine million acres of wilderness were originally included in the system with several thousand acres of that original amount located in Colorado. The wilderness heritage in Colorado is rich in variety and splendor. High peaks of the San Juans, the ever-shifting sands of Great Sand Dunes National Monument, the fast-running water of the Cache La Poudre are a few examples of the areas in Colorado that are represented in the wilderness preservation system.

Though Colorado's wilderness heritage is a feast for the eyes, there is, also, a wilderness heritage which is a feast for the mind. It is the peace and solitude that wilderness offers. The Colorado Wilderness Act of 1989 will add more than 750,000 acres to the system. Each of the areas to be added are uniquely qualified to become a part of the wilderness preservation system. From my perspective the one quality that will truly standout is the solitude that each area offers. When I returned from Vietnam twenty-four years ago this month, I was faced with the dilemma of fitting back into society. I had spent nearly two years in a war-torn environment living, in effect, day-to-day. Add to that responsibilites which included, in part, calling air strikes to root out the Viet Cong. This resulted in wiping out hundreds of acres of jungle wilderness. This coupled with the constant noise associated with war left me with a mixed bag of emotions when I returned to the United States. I needed a place where I could find, at least for awhile, peace and quiet. I needed a place that would counterbalance the environment that I was exposed to for nearly two years. Wilderness would become my source of spiritual and mental restoration. Given the kind of pressures people must deal with in today's society, wilderness is more important than ever. America, as well as Colorado, needs more wilderness. Societal pressures will continue to increase not diminish.

Attached to this testimony are two poetic works by Ms. Judy Finley, a close personal friend of mine. She has very eloquently defined the importance of wilderness. She has penetrated to the very core of what the wilderness concept is all about. Judy and I support the passage of the Colorado Wilderness Act of 1989 by the Congress of the United States.

Signed by:

Martin Sorensen

Judy Finley

ATTACHMENT A

WILDERNESS

The Wind through the Trees
Is Calling To Me;
To That Place Deep Inside,
It is Calling to Me;
Come Home,
Come Back;
To Where You are Nurtured;
To Where You are Replenished;
Come Home,
Come Back;
To Where You Can Flee;
From the Everyday Burdens;
Come Home,
Come Back;
Where Your Soul Can be Free;
Where Your Mind Can Soar;
Come Home;
Come Back;
Come Home;

Written by: Ms. Judy Finley, October, 1989

ATTACHMENT B

OH! WILDERNESS

I am a Lost and Lonely Soul;
Open Your Arms and Welcome Me;
Take Me to Your Breast;
Soothe Me with Your Sky of Blue;
Bring Me Peace;
Lay Me Down Among Leaves of Gold;
Let Soft Winds Gently Lull Me to Sleep;
Quaking Aspens, Fragrant Pines;
Shower Me with Your Heavenly Scents;
Welcome Me, Welcome Me Home;
Replenish My Soul;
Remove the Burdens;
Let Me Erase,
The Hurts and the Cares;
OH! WILDERNESS;
Welcome Me
Home

Written by: Ms. Judy Finley, October, 1989

Dave Frew
POB 236
Poncha Springs, CO 81242

(719) 539-3785

October 28th, 1989

Senate Subcommittee
City Council Chamber
1435 Bannock Street
Denver, CO

Subject: Wilderness Testimony to Senate Subcommittee

Dear Senators,

Thank you for the opportunity for me to give you my views on Tim Wirth's wilderness proposal Senate Bill 1343.

Before I start, I want to make the Subcommittee aware that Senator Bill Armstrong has sent to Colorado municipalities a stack of confusing water issue nonsense and is asking those municipalities to comment. As a Town Planner for the Town of Poncha Springs, I feel that it is shameful that a memeber of the Colorado congressional delegation would use confusing tactics that bury key information in reams of obscure and undefinitive information. I suppose that what Senator Armstrong is doing is compiling satistical support for a bill that he has not submitted. On the surface, Senator Armstrong is asking the municipalities for their input and opinions on his yet unsubmitted wilderness bill, in actuality and within the reams of information, he is asking support for the seven Principles of Water Right Settlement offered by the defunct and one sided Colorado Water Rights Negotiating Team. These principles deny federal water rights to wilderness areas and would release remaining wilderness study areas from study status. This is unprincipled! What he is doing is taking advantage of of rural communities ignorance on this complex topic.

Although I support Senator Wirth's bill in its entirety, I wanted to emphasize the areas that I am closely familiar with. They are Fossil Ridge, Oh Be Joyful, Buffalo Peaks, and the Sangre De Cristo range. Each area has unique and outstanding qualities that support the designation of these areas as wilderness.

Fossil Ridge is located in the heart of Gunnison. I own 40 acres in Almont on its western boundary and 13 acres in Parlin on its southeastern boundary. Fossil Ridge is one of the most unique of all the lands in the Wilderness Study Area inventory. It has eleven lakes between 11,200 and 11,700 feet. Seven of those lakes have excellent fishing. It is the home of mountain goats, mountain lion, bobcat, deer, and is a major migration route and calving area for elk. This is all the more important when one considers the catastrophic effects that the City of Aurora's Collegiate Range Project, known as CRAP, would have on this island of refuge within the heart of Gunnison County. Including Taylor Park, Fossil Ridge is surrounded by six other communities. These sleepy mountain towns including Gunnison are directly effected economically by the future of Fossil Ridge. Tourism has become the driving economic force in the Gunnison Country. Ranching is more than a way of life it has become a deep rooted culture in the county. This culture protects the Gunnison Country's openness, clear air, clean water, and unobstructed views. Making Fossil Ridge a wilderness will help protect that culture, in that, it will protect the pure water that flows from the mountain cirques. The ranchers would not be infringed upon by a wilderness designation. The ranchers will maintain their existing rights and none of them use motorized vehicles to service thier allotments in the Fossil Ridge area; and if they did, they would still be allowed to use them.

Fossil Ridge was determine to have preexisting motorcycle use by the Forest Service. The neanderthals that made that decision have since posted signs at the trailheads allowing motorcycles and have even allowed the Summerville Trail to be widen to accomodate ATVs. This is disgusting, in that, it creates a preexisting use and degradates the wilderness character that congress had asked the Forest Service to protect. If you've ever seen motorcycles doing "doughnies" on mountain tundra next to alpine lakes, you would shudder with disgust and hate for the Taylor River and Cebolla Ranger Districts that have encouraged and planned for the motorcycle corridors within this magnificant Wilderness. Senators I beg you to intervene on the side of common sense and justice and force the dismantling of this management system before it becomes a motorcycle mecca. For what is preexisting use in terms of geologic time?

Oh Be Joyful Seems to be a small addition to the Raggeds Wilderness area but it is crucial, in that, it is a basin filled with a wide variety of wild flowers and would be the only wilderness within the Crested Butte water shed area. ~~As a~~ past Director of the Crested Butte Nordic Center, I believe that the mountain ~~bike opposition in Crested Butte to the designation of Oh Be Joyful is led by vain, self-centered spoiled brats who are being shortsighted in their fight against wilderness designation.~~ There is an unlimited amount of mountain biking terrain in the Crested Butte area. I believe that the designation of Oh Be Joyful is needed as another economic stablizing factor in this beautiful mountain town that is likely to end up as another plastic area like Aspen. As a jeep tour driver, I used to take tourists for rides up to Yule Pass where the customers could look into the Oh Be Joyful basin and, for many, it was as though they were looking into the face of God.

As a nodric director, I've had the pleasure of introducing individuals and families to a wilderness experience although it was outside of designated wilderness areas. I have found myself wrestling with the explanation of wilderness designation and find solace in the explanation that it is land preserved in its pristine and primitive state that is being protected for future generations. Not only future generations of human beings but future generations of wildlife whose habit is constantly being compromised to satisfy consumer gluttony.

I suppose that I am fortunate in that have seen wilderness in other parts of the world. Unfortunately, as a combat engineer officer in Vietnam for 26 months I was party to not only deforesting wilderness jungles but denuding those pristine tropical areas. That experience coupled with my experiences around the world have convinced me that protecting pristine areas is far more important than shortsighted economic gains or ravaging by war for equally shortsighted political gains. That for myself, having wilderness areas to enter helps me maintain a sense of calm, peacefulness, and a sense of perspective that is lost in my day to day confrontation with life.

My home is now in Poncha Springs where the Sangre De Cristo range meets the Sawatch range. As a Wilderness Ranger, I spent my summer caring for the southern part of the Collegiate Peaks Wilderness area, the Buffalo Peaks WSA, and the northern portion of the Sangre De Cristo WSA. One of the things I have learned is that there is not enough wilderness area to accomodate people seeking wilderness experiences. That the wilderness areas that are accessible to the front range are virtually absent of big game wildlife although their habit is being protected. Overuse by "peakbaggers" seeking to conquer mountains coupled with individuals legimately seeking a wilderness experience has created pressure on the wildlife and is degrading the solitude sought by so many. Obviously, the wilderness designation of Buffalo Peaks and the Sangre De Cristo range is needed to relieve the pressure on existing wilderness areas and to preserve their wilderness characteristcs. There is some truth that one can find a better wilderness experience outside of a wilderness area but that is true for only a few overused areas. What is needed, is more wilderness to satisfy the human need for soltitude and refurbishing of the human spirit.

The Buffalo Peaks is a magnificant area that provides easy access and an opportunity for real solitude. The area is teeming with wildlife and offers undisturbed views of mountain meadows. The area is also being abused by outfitters who seek to escape the scrutiny and regulation of the Forest Service. Wilderness designation brings with it the management monies and tighter regulations needed to protect wilderness character.

The Sangre De Cristo range is so large that it is difficult to generalize about the range. But, my experience in the southern half of the range is that the lakes are overused and experience degrading motorized use. The northern half is too steep for motorized access to the lakes and, out of the six trips that I made there this summer, I never saw one motorized vehicle. The need to preserve the lakes in the range is unquestioned. What is at question, is whether motorized vehicles should have access to the Rainbow trail, I say NO.

All of the wilderness areas provide enduring economies as opposed to flash in the pan mining projects or short sighted water storage projects. Wilderness designation protects our water sources, our wildlife, and our sanity for future generations of the world. Lets do what is right and support the passage of Senator Wirth´s 1989 Wilderness Bill (Senate Bill 1343).

Sincerely,

David L. Frew

SAVE THE WILDERNESS WHILE WE CAN

I am here to speak in support of the 1989 Wirth Wilderness bill #1343.

Several years ago I was privileged to return to the South China town that was my boyhood home. It was an exciting journey and you can imagine the emotion as we sailed into port and peered through the mist for familiar landmarks.

One thing I was determined to do before leaving Shantou was to cross the bay and take a delightful shaded path through the woods to the top of the hill. I boarded a launch, got over, and started up the path. To my horror I realized that this was not the same place. The trees were mostly gone--cut down , I suppose for fuel. With the trees gone, the birds were gone, too. As I reached the top, I sat down on a rock to survey the scene. I was very sad. Here in microcosm was what man is doing to nature on a massive scale--pushing it aside arrogantly as if it didn't count.

Now I reflect on Colorado and want to thank God that somebody cared enough for the wild areas to set some aside by the original Wilderness Act of 1964 and then to add to them in 1980. That's good, but not enough. It's a tiny fraction of this beautiful state. We urgently need to enlarge the protected areas for future generations. We have waited, we have been patient as compromises have been worked out. We cannot risk further delay. Let's pass S 1343 now!

S. MACON COWLES
520 CLAYTON STREET
DENVER, COLORADO 80206

Mr. Chairman/Members of the Sub-Committee:

I urge you to pass the Colorado Wilderness Act of 1989, Senate Bill 1343.

I am an enthusiastic hiker, and my family and I have hiked and backpacked in most of these designated wilderness areas. Whenever I am privileged to be in the wild areas or national parks of our nation, I am thankful that there were people before us wise enough to set aside lands that we can now enjoy. The time has come for us to do the same for our children's children and the generations to follow. SB 1343 is a step in that direction.

The need for this bill goes far beyond the needs of persons who enjoy the out-of-doors. Many of us are now beginning to understand the fragility of our planet and to see the necessity of maintaining many areas in their pristine state. Unless we take steps to preserve the ecological balance and the fish and wildlife habitat of all species of life, our own species - the human one - is in grave danger.

Action to preserve wilderness areas in Colorado is urgently needed - now. The Wirth bill is a carefully worked out compromise which addresses the legitimate concerns raised by water developers and other interests..

I implore you to take one small step toward the preservation of the planet by passing SB 1343. Thank you.

Virginia B. Cowles

Virginia B. Cowles
520 Clayton Street
Denver, Colorado 80206

October 28, 1989

STATEMENT MADE TO A SENATOR TIM WIRTH HEARING ON WILDERNESS PROPOSALS FOR COLORADO, OCTOBER 28, 1989

As a U.S. citizen interested in the maintenence and preservation of certain wilderness areas, and as an exploration geologist with professional experience and interest in the discovery and exploitation of natural resources, I would make the following statement.

Among the many areas proposed for entry into the wilderness inventory in Colorado, there certainly are some which may warrent wilderness status and which contain very little promise regarding mineral potential. Others however, do pose an obvious conflict with past mining and exploration activity, and these areas furthermore possess excellent inherently endowed opportunities for the future discovery of economic mineral deposits (principally metals).

As president of a company whose prime objective for the past 8 years has been the assessment and exploration targeting of public lands open to mineral location, I have already submitted documentation regarding the most obvious of the conflicts between mineral resources and wilderness. The areas include the following: Sangre de Cristo, Buffalo Peaks, Fossil Ridge, Oh-be Joyful, Williams Fork, Louis Peak, Vasquez, American Flats, Weminiche, Whitehead Gulch, West Needle.

The above areas are only those where clear and abundant evidence exists for mineable (past, present and future) mineral occurrences. Other WSA's have favorable geological characteristics which may have controlled the localization of undiscovered resources. Although much of the total acreage proposed for wilderness status may have had resource evaluations by governmental agencies, recent add ons have not. Furthermore, I would ask whether such resource expertise is seriously considered during final decision making processes by the congress.

In conclusion, I am not against designating further wilderness for Colorado; however, I am against the arbitrary, ill-studied or premature removal of millions of acres of public lands without adaquate attention to ultimate public losses in terms of future mineral development.

William A. Rehrig

Dr. William A. Rehrig
President, Applied Geologic Studies, Inc.
October 26, 1989

Copy: Senator TIM WIRTH

APPLIED GEOLOGIC STUDIES, INC.
2875 West Oxford
Suite #3
Englewood, Colorado 80110
(303) 761-5624

October 5, 1989

The Honorable William Armstrong
U.S. Senate
528 Hart Office Bldg.
Washington, D.C.
20510-0602

Dear Senator Armstrong:

I am writing to you as President and Chief Geologist of APPLIED GEOLOGIC STUDIES, INC., a geologic consulting firm providing services and resource data bases to the minerals exploration industry. As the business of our clients is based on access to the Public Domain, we are vitally interested in the current letgislation, S. 1343 (101st Congress-1989) proposed by Senator Wirth which would remove more then 800,000 acres from mineral entry.

My company has prepared the attached maps showing: (1) existing wilderness, national parks and monuments; (2) the new proposed wilderness withdrawals of Sen. Wirth; (3) areas of concentrated mineralization (mining districts); and (4) overlay showing gold and silver occurrences. These maps provide a rough guideline to areas where conflicts exist between mineral potential and wilderness. Please note that the map overlay showing prospects and metal occurrences prepared by the U.S. Bur. Mines is only for precious metals. Many more occurrences are distributed through western Colorado for the base or strategic metals.

Conflicts between proposed wilderness and mineral resources appear most grave in the following wilderness study areas (WSA):

1. Sangre de Cristo: Occurrences of base metals and gold-silver mineralization form an extensive belt along the west margin of the Sangre de Cristo range and in the area south of Blanca Peak. The mineralization is well documented in the joint U.S. Bureau of Mines-U.S. Geological Survey Document MLA 65-83 completed in 1983. In addition, the area adjacent to the Rito Alto igneous stock is known to be strongly mineralized. As noted on the map, many of these mineralized areas occur along the boundaries of the proposed wilderness area. If adopted as is shown (Wirth's boundary), these areas would be very difficult to justify serious future exploration or resource development because of their closeness to the wilderness.

2. Buffalo Peaks: This area southeast of Leadville contains all or part of the Weston Pass, Buffalo Peaks, Four Mile and Granite mining districts. It is also proximal to both the Leadville and Alma mining areas. Metal occurrences and prospect activity mark a good portion of the WSA.

3. Fossil Ridge: The proposed Fossil Ridge wilderness is known to be well-mineralized and contains all or parts of the formerly productive Gold Brick, Tincup, Cross Mountain, and Quartz Creek mining districts. Such areas normally attract much exploration activity and may be expected to yield further ore deposit discoveries. From the attached maps, you can see that it is particularly the southeastern part of the WSA that is in

conflict.

4. Oh-be Joyful: This area, adjacent to the formerly productive Crested Butte metal and coal-mining areas is entirely within the Ruby mining district. Active exploration programs have been caarried out in this area in recent years and we sincerely believe that further exploration will be successful if allowed to proceed.

5. Williams Fork, Louis Peak, and Vasquez: Portions of these areas surrounding the large Henderson molybdenum mine seriously overlap with the Dailey mining district. Prospects and metals occurrences are numerous, and further mineral potential is suspected.

6. American Flats, Weminiche, Whitehead Gulch, West Needle: These areas in the San Juan Mountains of southwest Colorado fringe the metalliferous Silverton-Ouray area. Parts of the WSAs correspond with areas of strong mineral-related hydrothermal alteration, past prospects, and resource potential for precious metals, base metals and molybdenum.

As proprietors of a small business located in Colorado, we look with continued concern on the locking up of potentially mineral producing areas in this state. As noted recently, Denver is rapidly becoming a nationally visible mining corporate center, bringing with it economic offsets to the oil company demise these last few years. This upswing in economic activity will continue if the nation does not close out those areas of most interest to the mineral industry.

Borrowing on our many years of experience in assessing mineral resource potential in the western United States, we believe that Colorado still contains areas with excellent potential for the discovery and production of essential and critical minerals. PLEASE CONVEY OUR PROFESSIONAL OPINIONS TO THOSE WHO WILL DETERMINE THE EXTENT OF ADDITIONAL WILDERNESS IN THIS STATE!

Sincerely,

William A. Rehrig

Dr. William A. Rehrig
President and Chief Geologist

Attachments:
Cc: Colorado Mining Association
Senator Tim Wirth

Attachments have been retained in Subcommittee files.

First, let me thank you for holding this hearing and affording all of us the opportunity to voice our issues and concerns regardng the Wilderness Act.

To introduce myself, my name is Jennifer Marble Rich. I moved to Colorado nearly 18 years ago, largely to take part in the outstanding outdoor recreation available so near to my home in Denver.

As a former staff person for two public-private consortiums for regional natural resource a economic planning and a longtime member of a variety of outdoors organizations, I am well aware of the competition for resources available in our mountains. Water, timber, minerals and wildlife uses abound, and noone denies the value of these ventures to the Colorado and national economies

However, the basic tenets of the Wilderness Act still carry high value. Two years ago, I traveled with my husband on an extended trip through central Colorado, circumnavigating nearly 8 wilderness areas and five national forests by jeep. One day we ran out of jeep road in a bog and decided to hike to the top of "Oh Be Joyful" pass. The summit of that pass defied description, but it is fair to say that it was a high point in my life, and proved how true the name really was. High up in the central Rockies, our vista took in at least four other Wilderness areas, uncut by roads or development.

BEST AVAILABLE COPY

Weather provided a threatening storm just past us, and brilliant sunshine everywhere else. We spent several hours, just drinking in the view, and hoping someday to share it with our children and children's children.

The top of DBJ pass has limited economic value. Rather, its value lies in the very lack of development and access it provides to pristine and massively beautiful inspiration which can fit the rest of the world into clearer perspective. It can change lives. But it, and dozens of other similar areas, are vulnerable to having overgrazing and timbering and diversion of high altitude water sources ruin its access and, ultimately, its value to the country.

Senator Wirth has proposed an outstanding compromise which will both ensure the preservation of numerous high alpine environments forever, yet provide for use permits at lower elevations where the economics make sense. It is manageable, enables clarification of varying interests early in the preservation process and answers virtually every concern of the known competing interests.

I thank you for the opportunity to voice my opinions, but mostly thank Senator Wirth and his staff for creating a valid and potentially powerful approach to dividing resource access among legitimate competing interests.

Needless to say, my support for S 1343 is unconditional.

RESOLUTION NO. 23
SERIES 1933

A RESOLUTION REAFFIRMING THE TOWN COUNCIL'S POSITION ON THE DESIGNATION OF WILDERNESS AREAS IN GUNNISON COUNTY, COLORADO.

WHEREAS, the Town Council has previously endorsed the proposals to designate Oh-Be-Joyful and Fossil Ridge areas as Wilderness; and

WHEREAS, the Town Council recognizes the key part that pristine mountain scenery plays in developing our tourist oriented economy; and

WHEREAS, the Town Council believes that the benefits to future generations in preserving these proposed wilderness areas far outweighs any other benefit that may be derived from a multiple use designation of these areas; and

WHEREAS, the Town Council has previously and consistently supported the designation of wilderness for Fossil Ridge and Oh-Be-Joyful areas, but has determined that this position must necessarily be memorized in the form of a Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO:

Section 1. The Town Council hereby calls on those public officials having authority to/or over Oh-Be-Joyful and Fossil Ridge as proposed wilderness areas to finalize that designation and prevent attempts to redesignate said areas for multiple uses.

Section 2. The Town Council directs the Town staff personnel to actively inform and educate various public officials at all levels of goverment as to the Town's position in this matter.

ADOPTED by the Town Council for the Town of Crested Butte, Colorado this 5 day of December, 1983.

TOWN OF CRESTED BUTTE, COLORADO

(SEAL)

ATTEST:

By Thomas S. Cox
Thomas S. Cox, Mayor

H. Adele Bachman, Town Clerk

Friends of Fossil Ridge
Box 46, Parlin, CO 81239

Motorcycles a problem in Fossil Ridge

The Friends of Fossil Ridge believe motorcycle riding is an inappropriate use of Fossil Ridge for the following reasons:

- **Damage to the land**

Motorcycles erode land faster than any other recreation form. While erosion may be acceptable on some lands, it is extremely harmful to high elevation tundra, which may take thousands of years to recover from the impact of one vehicle.

This might not be a problem in Fossil Ridge if riders would stick to the trails. But riders regularly ride off trail. One of the Friends of Fossil Ridge members has personally observed two motorcyclists take off from the Fossil Ridge trail and ride across tundra to the top of a nearby mountain. Most Fossil Ridge trails afford direct access to the tundra.

Trails in Fossil Ridge are suffering increasing damage from motorcycles. Deep ruts have appeared around switchbacks. Detours around wet lands, especially in spring and early summer, have led to mud bogs.

- **User conflicts**

Judging from trail registers, far more hikers use Fossil Ridge than motorcyclists. The hikers dislike the noise of the motorcycles and feel the motorized vehicles ruin their experience.

More significant to Gunnison County is the conflict with the three commericial outfitters. Their customers complain when they encounter motorcycles. These customers do not wish to return to the area. They say want to go somewhere else.

These outfitters have depended on Fossil Ridge for years for their livelihood. The motorcycles are driving them out. This could result in personal financial problems and a loss of nine or ten jobs in the county.

Motorcycle use can adversely impact hunting and fishing, two major economies in Gunnison.

- **There are plenty of other areas to motorcycle:**

The Final Environmental Impact Statement for the Gunnison National Forest (1983) noted that by recreation-visitor-days, the forest can supply roughly three times more semi-primitive motorized than semi-primitive non-motorized recreation, and "non-motorized use is expected to increase faster than motorized use." By acreage, 28% of the forest is designated appropriate for semi-primitive non-motorized recreation, while 42% is open to semi-primitive motorized use. "Current direction will increase opportunities for motorized recreation," the plan says.

Motorcyclists desiring terrain similar to Fossil Ridge ought to try the 20-mile Timberline Trail from Tincup to Dorchester. It's a far easier ride and every bit as beautiful, but it's non-wilderness and perfectly suitable to motorized use.

The Friends of Fossil Ridge believe motorcyclists have a right to use the

National Forest and all public lands in appropriate, non-sensitive areas.

- **Motorcycles cause impacts that increase the costs of managing the National Forest:**

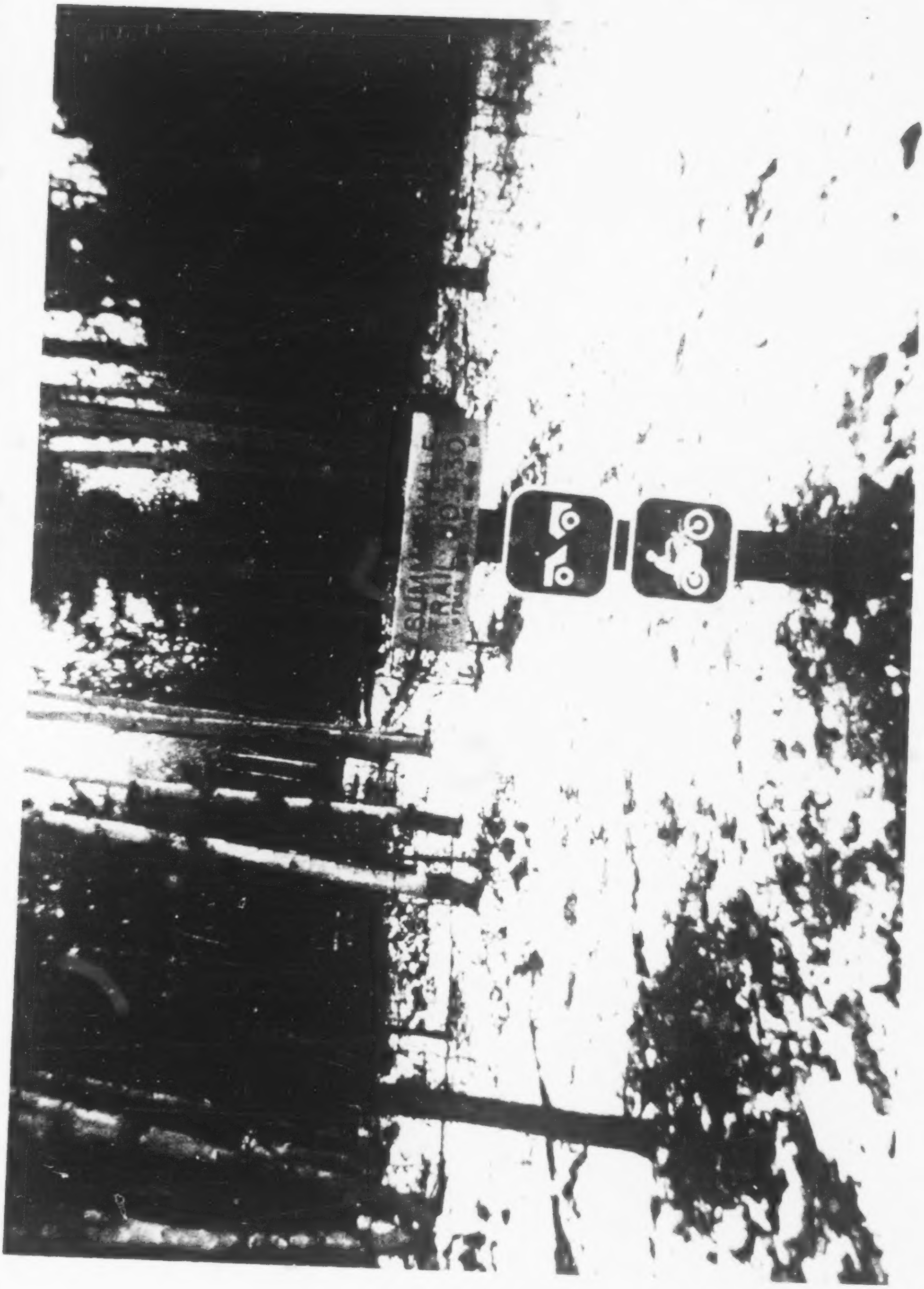
The FEIS warns that trails may be closed "due to insufficient maintenance funds." When the USFS cannot even afford to keep all its campgrounds open in areas whose economies depend on tourism and recreation, how will it pay for reconstruction of trails damaged by heavy motorcycle use?

The next paragraph on that page points out an "impact" cause by the new 4-wheel and 3-wheel vehicles because their "track width do not coincide or fit traditional trail tread width." Thus a safety and resource damage problem has occured which may be mitigated by information processes, but cannot be legally enforced without a change in the definition of a trail vehicle in the Code of Federal Regulations." The Friends of Fossil Ridge suggests that the best enforcement of that problem would be through a closure of the Fossil Ridge trails to all motorized vehicles.

- **The U.S. Congress has designated Fossil Ridge a Wilderness Study Area**

The 1980 Colorado Wilderness Act designated Fossil Ridge a Wilderness Study Area and mandated that the Forest Service manage the area to preserve it: wilderness character. The Friends of Fossil Ridge believes that the agency has been violating this mandate by *inviting* motorcycles into the area.

The Friends of Fossil Ridge urge all motorcylists to respect this fragile, beautiful land. If you really care about the environment, you will choose to ride elsewhere.


SUMMIT
TRAIL

Metropolitan Denver Water Authority
1360 S. Clarkson Street
Suite 300
Denver, Colorado 80210
Telephone (303) 744-9342
Fax (303) 744-9323

ENATE COMMITTE
ERGY AND NATURAL RESOURC
RECEIVED
MAR 06 1990
WASHINGTON, D.C. 20510

RESOLUTION

WHEREAS, two bills have been introduced in the United States Senate for the purpose of adding hundreds of thousands of acres of high mountain terrain in Colorado to the National Wilderness system; and

WHEREAS, one of those bills, the Colorado Natural Heritage Preservation Act of 1990 (S.2001), introduced by Senator Bill Armstrong, protects the water rights of municipalities and the property rights of Colorado citizens, while the other bill, S. 1343,is a clear and present danger to water rights, property rights and other historic land uses in some cases; and

WHEREAS, S. 2001 sets aside more acreage that Federal agencies had recommended, and also sets aside 122,300 acres for designation as National Recreation Areas; and

WHEREAS, S.2001 would add 471,875 acres to the National Wilderness system, which exceeds by 25,463 acres the recommendations of the U.S. Forest Service and the U.S. Bureau of Land Management; and

WHEREAS, S.1343 would incorporate 751,260 acres plus leave another 76,128 acres in study status, and some of which acreage is inappropriate to the economic welfare of the State of Colorado and individual communities; and

WHEREAS, S.2001 uniquely sets aside another 122,300 acres to be designated as National Recreation Areas, a classification which makes high country lands much more accessible for general public recreation than is the case with Wilderness Areas;

NOW THEREFORE BE IT RESOLVED that the Executive Committee of the Metropolitan Denver Water Authority, a local government agency made up of. 24 cities and special districts, strongly supports the Colorado Natural Heritage Preservation Act of 1990 and urges all

MEMBERS:
Bear Creek W&S District ● Castlewood Water District ● Centennial W&S District ● Cherry Creek Valley W&S District ● Douglas County Water Authority ● East Cherry Creek Valley W&S District ● City Of Glendale ● Grant W&S District ● Havana W&S District ● Ken-Caryl Ranch W&S District ● Lakehurst W&S District ● City Of Lakewood ● City Of Littleton ● Platte Canyon W&S District ● Pleasant View W&S District ● City Of Sheridan ● South-East Englewood Water District ● Southgate Water District ● Southwest Group ● Southwest Metropolitan W&S District ● Southwest Suburban Denver W&S District ● Valley Water District ● Wheat Ridge Water District ● Willows Water District

members of Colorado's Congressional Delegation, and of the Public Lands, National Parks and Forests Subcommittee of the Senate Energy and Natural Resources Committee, to support S.2001.

Adopted by unanimous vote on February 14, 1990.

Attest:

Larry W. Berkowitz

Larry W. Berkowitz
President

Michael J. Duncan
3427 W. Kiowa
Colorado Springs, CO
80904

(719) 634-5615

Senator Tim Wirth
U.S. Senate
Washington, D.C. 20515

November 2, 1989

Dear Senator Wirth:

Thank you for conducting hearings on S. 1343 and giving citizens the chance to be heard on the need for more Colorado wilderness. I strongly support your bill, and testified, albeit briefly, last Saturday. I appreciate your courage, direction, and leadership on this crucial issue.

I have enclosed a statement in support of S. 1343 which I ask that you incorporate into the record of the October 28, 1989 hearing.

Again, thank you for supporting Colorado wilderness.

Sincerely,

Michael J. Duncan

STATEMENT IN SUPPORT OF S. 1343

Michael J. Duncan
3427 W. Kiowa
Colorado Springs, CO
80904

I am a wilderness user. I hike; I climb; I ski. To me, wilderness is much more than its component resources--trees, wildlife, minerals, or water. Bunisessmen, economists, and resource managers can and do quantify the values of the individual resources, but wilderness' value, although no less real, is less tangible. People who exploit those other resources find their exploitation barred by a wilderness designation, so they oppose wilderness. I support wilderness; more specifically, I strongly support S. 1343 and urge its prompt passage.

I attended Senator Wirth's hearing in Denver on October 28, 1989, and would like to respond to the arguments of the water deveopers and the off-road vehicle organizations.

The water developers claimed that their opposition to S. 1343 was because of their concern that possible downstream wilderness areas might also have reserved water rights. Such argument ignores the facts of S. 1343. That bill reserves water rights only for the specific wilderness areas to be created by that bill. It explicitly disclaims any effect on future wilderness areas.

Opponents also said that they were concerned that S. 1343 might impair the presidential withdrawal authority created by the 1964 Wilderness Act. Under that authority, the president, in time of emergency, can withdraw water from a wilderness area. That withdrawal provision is not altered by S. 1343.

Developers also claimed that S. 1343 would impair valid existing water rights. That is totally untrue. The bill is a headwaters wilderness bill. The proposed wilderness areas are upstream of existing diversions, and no diversions would be built to impair anyone's rights.

Mr. Harold Miskel spoke on behalf of several municipalities, including Colorado Springs, and opposed S. 1343. Although Mr. Miskel claimed to represent Colorado Springs, his oposition to S. 1343 is not representative of the views of the majority of the residents of this city. He may be employed by the city council, but the Colorado Springs City Council, like the Denver

Water Board in the Two Forks Dam controversy, has chosen to disregard the will of its people.

Colorado Springs recently said that it would not encourage water conservation, as decreased use would impair the water department's financial position. It is ironic, or even tragic, the Colorado Springs has chosen to discourage conservation, while at the same time crying for more water. It claims that it needs water to insure growth, but disregards reality. What we have, in essence, is a case of government out of control, of government by inertia.

I ask that you disregard the opposition of the City of Colorado Springs to S. 1343, as that opposition is contrary to the desries of the people of that city, and because even if water rights were threatened (they aren't) and even if the city needed the water (it doesn't--it refuses to encourage conservation) S. 1343 threatens no water rights. S. 1343 effects no existing projects. Colorado Springs' Homestake II project is currently under litigation, but S. 1343 will have no effect on that litigation.

Off-road vehcile users also expressed opposition to S. 1343. They cited the value of ORVs to Colorado's economy, but their statistics were grossly misleading, to say the least. First, they claimed that ORVs contribute $500 million to Colorado's economy. That figure undoubtedly includes many ORV owners who use their ORV not as toys, but as a means to get to a wilderness trailhead. I own a four-wheel-drive vehicle, and I use it to get to the trailheads or to the ski areas, but I suspect that my money was included in the statistics at issue, the Colorado State University study.

Also, the four wheelers claimed that many of the Wilderness Study Areas already contained roads. I have been in wilderness study areas, and wilderness areas, that contained roads. Sometimes, those roads were old mining roads, long abandoned. More often though, those "roads" were actually motorcycle or jeep trails made in violation of forest service regulations closing an area to motorized traffic. The same people who broke the law to create those roads now wish to claim further benefit of their crimes. That is unconscionable. To allow such contempt by failing to pass S. 1343 would be tragic.

I want wilderness not only for my own recreational pursuits, but also because it will guarantee clean water, biological diversity, and because so much has been destroyed already. Arlo Guthrie sings, "This land is your land, This land is my land." I ask that you pass S. 1343 and make it so.

Wilderness Hearings - Denver, Co. Oct 28, 1989

My name is Rob Hagenbuch - 2421 Valley View Dr. Denver, Colorado.

In May and June of this year I walked my neighborhood and surveyed co-workers, asking them to sign a petition against a newly proposed ski area covering 6,600 acres of the Routt National Forest in northwestern Colorado. I had over 500 signatures against the ski area and only 4 people who were for it and wouldn't sign. Most of those against told me they couldn't put a ski area on national forest. The Forest Service will protect and preserve it. Protect and preserve. Think about it. The forest service has never turned down a request for a new ski area in the state of Colorado. Forest leases for timbering cost the Forest Service more to install roads than profit is made from the leases. Most of this is clear cutting because selective timbering is too time consuming. Think about the destruction to our National Forests in the name of forest management. The beauty is gone. The serenity is gone. The pure water and clean air are no more. The wildlife moves on only to overpopulate another area. Herds must then be systematically reduced to a manageable number

In actuality the Forest Service is in the business of marketing our national lands to the highest bidder regardless of intended use.

I have 2 children and I would like the forests to remain in their natural state for their generation and their children's generation. I would even like to see more wilderness than proposed by Senate Bill 1343. It seems to be the only way to protect the forests and natural beauty of Colorado that 62% of the people surveyed by the Colorado Tourism Board said was the main reason for a Colorado vacation. Our forests must be preserved.

We need the wilderness to remind us of our past. The wilderness needs us to guarantee its future.

Thank you,
Robert P Hagenbuch

Wilderness Hearings - Denver, Co. Oct 28, 1989
Submitted for the public record

My name is Todd Hagenbuch. I represent myself, the Sarvis Creek Wilderness Area, otherwise known as Service Creek, and the youth of America.

Wilderness is a vital part of our world, not to mention vital to Colorado's people and wildlife. Much of the wilderness is wetlands, which clean and purify our water. One such example is Green Creek, a pure creek with no dirt or even filtration, also included as part of the Sarvis Creek Wilderness. This water is drank straight out of the creek, and used as the everyday source of water for Green Creek Ranch. This ranch belongs to my grandparents Bob and Elaine Gay. Someday I hope to spend my time in this beautiful place.

Another issue close to my heart is the Lake Catamount Ski Area. This area is proposed for Pleasant Valley, seven miles south of Steamboat Springs. This 6,600 acre development will infringe on the boundary of the Sarvis Creek Wilderness. It will also ruin prime elk and black bear habitat in the Green Creek drainage area. This will ruin the drinking supply and force one of Routt Counties oldest ranches out of business.

Wilderness will not change the forest. You can still hike, hunt, fish and horseback ride in wilderness. One advantage I see towards wilderness is that developers, domestic or foreign, cannot develop here.

Kids don't have much say in the decisions of the Forest Service or government. We pay taxes just like you who have already lived half of your lives. LET'S LEAVE SOMETHING FOR THE KIDS OF TODAY AND TOMMORROW!!

I leave you with this: Protect the people's right to the land; and the lands right to be protected from the people. Thank you.

Todd Hagenbuch

NOV 9 1989

November 8, 1989

Sen. Timothy Wirth
1129 Pennsylvania St.
Denver, CO. 80203

Dear Sen. Wirth,

Due to time constraints and the number of people at the Sub-Committee hearings Oct. 28, 1989, I was unable to testify. I would like my opinion on the public record.

I oppose your wilderness proposal from the standpoint of closing roads to Off Highway Vehicle travel.

Sincerely,

Erwin G. Fuchs
1666 Olive St.
Denver, Colorado

NOV 9 1989

November 8, 1989

Sen. Timothy Wirth
1129 Pennsylvania St.
Denver, CO. 80203

Dear Sen. Wirth,

Due to time constraints and the number of people at the Sub-Committee hearings Oct. 28, 1989, I was unable to testify. I would like my opinion on the public record.

I **oppose** your wilderness proposal from the standpoint of closing roads to Off Highway Vehicle travel.

Sincerely,

Leona M. Kreba
1666 Olive
Denver Colo. 80220

P. O. Box 315
Yellow Jacket, Colorado 81335
August 29, 1989

Sub Comm. Public Lands, Nat Parks & Forests
United States Senate
308 Senate Dirksen Office Building
Washington D.C. 20510

RE: Opposed to S. 1343

Dear Senator Bumpers, Chairman

It is my understanding that S. 1343 will not directly impact the Dolores River. Since I am a new irrigator on the Dolores Project in Montezuma County, my concern is that this legislation, by implication, could adversely affect the right I have to use water from the Dolores River and McPhee Reservoir.

I can support legislation that would not imply a water right for future downstream wilderness designations, as proposed on the Dolores River. In my opinion, settlement of that issue has to be negotiated prior to expanding or adding more areas in Colorado.

I ask you to oppose S. 1343 in its present form.

Sincerely,

Albert G Mahaffey

1989 OCT 27 PM 2:06

Oct. 23, 1989
823 Starlet Dr.
Colorado Springs, CO 80906

The Honorable Dale Bumpers
Public Lands, National Parks and
Forests Subcommittee
U.S. Senate
Washington D.C. 20510

Dear Senator Bumpers:

We are writing to let you know that Senator Wirth's wilderness proposal will work against our interest as mountain recreationists. Our business keeps us from having the contiguous days required to backpack into the wildernesses during the warm months. We have found that motorbiking with appropriate cycles has allowed us to see and enjoy so many really wonderful parts of our mountains. Yet in our 25 years in Colorado, we have been in but one wilderness. Further, we are now mountain bicycling in addition to our motorcycling. That does not open any wildernesses for us as you know.

So now we face the prospect of having the choices we have further restricted so that those who want and demand ever greater freedom from their fellow man can have their wish.

A favored place for us is the Rainbow Trail in the Sangre de Cristo mountains. It is beautiful and rambling and accessible on a days outing. The peaks and lakes that tower above are not so accessible since most of the trails are closed to all but horsemen and hikers. Now Senator Wirth strives to take our simple pleasure away from us so that the "purists" will not have to be bothered by our ilk on even a portion of their outing.

We have cycled on Fossil Ridge and Greenhorn Mountain, other places that may be denied us. They were other wonderful experiences. Other areas targeted, such as Oh-Be Joyful, are on our wish list.

The logic of wilderness status is to keep most people out, thus preserving the wilderness. Public land takes on the quality of private land for those whose interests are served by wilderness status.

A very high percentage of Colorado's most spectacular mountains are now protected from my kind by wilderness status. This is OK as it stands because **logic and compassion has led to the wilderness inventory we now have. Senator Wirth's proposal achieves bully status** by rewriting the standard for wilderness, paying little or no attention to the USFS recommendations, and caring nothing for the rights and interests of citizens other than those who are anti-multiple use.

It is time to say we have a balance and quit fighting with one another.

Sincerely
Paul B Brokaw
E. Anne Brokaw
Paul B. and E. Anne Brokaw

November 9, 1989

1989 NOV 20 PM 5:08

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Lonnie Lake
1301 Hatch
Ft. Collins Co. 80524

November 9, 1989

1989 NOV 20 PM 5:08

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Beverly N. Yarber
1700 Tanglewood
Ft Collins, CO 80525

November 9, 1989

1989 NOV 20 PM 5:08

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Alayna Stanclift
4331 W. 6th St.
Greeley, CO 80634

November 9, 1989

1989 NOV 20 PM 5:08

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Tim Stanclift
4331 W. 6th St.
Greeley, CO 80634

November 9, 1989

1989 NOV 20 PM 5:07

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Larry D. Yarber
1700 Tanglewood
Ft. Collins, Colo. 80525

Senator Timothy Wirth
380 Russel Senate Office Bldg.
Washington D.C. 20510

1989 NOV 17 PM 5: 16

Dear Senator Wirth:

Thank you for passing along the information regarding the proposed timber sale and clear-cuts planned for the Roaring Creek area. However, the information given by Gary Cargill, Regional Forester, was not helpful. The letter merely stated how much of the area would be clearcut and partially cut, but gave no indication WHY they will be cut at all, where the wood will go, and how this is a responsible action that reflects the forest service motto, "Caring for Lnd and Serving People."

I'm will not be appeased with euphemisms like "only 500 acres will be **treated...**" Rare stands of old-growth forests in the Bowen Gulch area are now being raped, and the Hatchett Park area is now being considered, as well as Roaring Creek. I don't want you to refer me to Forest Service employees anymore. The current policies are destroying our forests faster than we can save them, and I want you to DO SOMETHING TO STOP IT!! I am an instuctor at Colorado State University and believe me, the elitists who are coming out of college are increasingly concerned with the environment. I will not stand by and see my country plundered by greed.

Sincerely,

Steve Miles
402 W. Magnolia #1
Ft. Collins, CO 80521

TESTIMONY OF NORMAN J. MULLEN ON SENATE BILL 1343, THE COLRADO WILDERNESS ACT OF 1989, BEFORE THE PUBLIC LANDS SUBCOMMITTEE, SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

My name is Norman J. Mullen, and I reside at 732 Grant Street in Louisville, Colorado. I am an attorney licensed to practice law in the states of Colorado and California. I am self-employed in a general practice.

I support passage of S. 1343, although I do not believe that it goes far enough in protecting Colorado's vanishing wilderness. I applaud Senator Wirth's efforts to resolve the national forest wilderness question for Colorado.

I believe that the proposal submitted by the Colorado Environmental Coalition, the Sierra Club, Colorado Mountain Club, and Wildnerness Society, which recommends designation of 1.3 million acres of Wilderness, better addresses the needs of Colorado and Coloradoans for wilderness protection.

Additional Areas:

I support protection for Kannah Creek at the western side of the Grand Mesa. There is no wilderness on the Grand Mesa, and Kannah Creek merits protection. Similarly, I support protection for Bears Ears and Pagoda Peak in the White River National Forest, and Carson Peak near Handies Peak. I also support protection for the Troublesome area in the Arapahoe and Routt National Forests. Troublesome is threatened by numerous timber sales.

Water Rights:

Wilderness areas have a clear need for water, and designation must include an express or implied reservation. I believe that the water rights language contained in S. 1343 is an acceptable compromise.

Wilderness Values:

I have enjoyed my favorite recreation, and some of the best times of my life, in the areas that are the subject of this legislation. I have traveled, backpacked, and camped in Buffalo Peaks, Oh-Be-Joyful, Cannibal Plateau, Davis Peak with its beautiful Encampment river, Fossil Ridge, Lost Creek, Sangre de Cristo, South San Juan additions, Williams Fork, and Vasquez.

I have seen the proposals for oil and gas leasing, water diversions, hardrock mining, and timber sales chip away at Colorado's wilderness.

All the lands in this bill, and many more, need protection, or they will eventually be developed.

As indicated by the turnout at the hearings on this bill, Coloradoans want more wilderness protected, and they want it now.

This bill is a good start toward protecting our last wilderness.

1989 NOV 14 AM11:12

November 4, 1989

Senator Wirth
Senate Office Building
Washington, D.C. 20510

Dear Senator Wirth:

I would like to make the following comments for the record regarding the Colorado wilderness bill now being considered by the Senate.

I am a frequent wilderness user in Colorado and have been one in several other states (MT, WY, OR). Although Colorado's wilderness is the most magnificent in scenery, my wilerness experiences have been disappointing in Coloado compared to those in the other states because of congestion. Colorado has a greater population than the other Rocky Mountain States, yet it has set aside a smaller percentage of its land as wilderness. If the wilderness is to remain pristine, and if one is to experience wilderness in its "wildness", more wilderness must be available for those who wish to enjoy it.

I would also like to point out that wilderness has tremendous value not only to those who use it, but to those who simply value its existence and to those who wish to have the option to use it. Economic studies indicate that option and existence values of a national recreation area can be several times greater than the actual user value of the area. User value, option value, and existence value comprise the benefits of additional wilderness. A majority of Colorado residents support more wilderness even though most of these people will never visit a wilderness area. This implies that the option and existence values of more wilderness in Colorado are significant, and thus the benefits of more wilderness are significant. Since Senator Wirth has written the bill to ensure that the costs of this wilderness are negligible, the net benefits of the additional wilderness areas are necessarily positive.

Sincerely,

Linda R Stanley

Linda R. Stanley
1407 Osprey Court
Fort Collins, CO 80525

NOV . . 1989

November 5, 1989

Dear Senator Wirth,

587 NOV 7 1989

1989 NOV 29 PM 5: 01

I want to go on record as heartily supporting your Senate bill 1343.

All of my working years most of my weekends were spent enjoying Colorado's majestic scenery. It renewed my spirit and enriched my life.

So many of the beautiful spots that we had access to are now private property. That is why it is imperative to set aside as much wilderness as possible, while it is still available.

It is very important to me that future generations will also have that wonderful opportunity to enjoy the pristine beauties of nature the way that I have.

I want to thank you Senator Wirth for your tireless efforts on our behalf. Please keep up the good work!

With much appreciation,
Sincerely,
Mrs. Anitta Voung
825 Garfield St.
Denver, Colo. 80206

NOV [illegible] 1989

1989 NOV 29 PM 5:07

912 N. Royer St.
Colorado Springs, CO 80903
November 7, 1989

Senator Tim Wirth
Senate Office Building
Washington, D.C. 20510

NOV 9 1989

Dear Senator Wirth,

I appreciate your continuous support for the protection of Colorado's wild lands. I applaud your leadership in resolving the long-standing debate over wilderness water rights and your efforts to designate the spectacular areas that deserve wilderness protection.

It is time to leave behind the unproductive negotiations that have held the wilderness issue hostage for so long. Your bill provides a sound and workable solution to the water rights issue that protects both the wilderness and existing water rights.

I have visited and studied nearly all of the areas proposed for Wilderness designation by S. 1343. Each area without a doubt qualifies for designation, deserves protection, and needs protection from future developments such as oil and gas drilling, timbering, off-road vehicle use, and ski area development. I would like to speak to several areas in particular that are threatened with these developments.

Service Creek is a unique area in that it represents a northern low-elevation forest ecosystem. Its dense montane forests, crystal clear streams, and historic sites make Service Creek a one-of-a-kind area in Colorado, where most of our wilderness is subalpine and alpine. Service Creek is threatened by timbering, old cuts nearly encircle the area; and by the Catamount ski development, an unnecessary development at a time when the ski market has flattened out. The boundaries in S. 1343 for Service Creek must remain intact to exclude these developments.

I spent a good deal of time in the South San Juans and Wheeler while I lived in the San Luis Valley. I know you have had the opportunity to wander the spectacular forests and alpine tundra of the South San Juans. The additions of V-Rock and Montezuma Peak would ensure the geographic integrity and ecologic diversity of the South San Juans.

I would also strongly suggest that you include Chama Basin as an addition to the South San Juans. Chama Basin is a critical area for wildlife, as it provides migration routes and calving territory for a major elk herd. Chama Basin's ancient forests are threatened by timbering plans of the Forest Service despite repeated landslides that illustrate the unstability of the basin's soils. I am enclosing copies of letters by officials within the Division of Wildlife and the Forest Service documenting the wildlife values and the soil instability of Chama Basin. Chama

Basin is the epitome of an area needing the protection of Wilderness designation: it is a jewel in every sense yet it is on the verge of destruction. Please consider including Chama Basin in S. 1343.

I am pleased to see the geographically sound boundaries for Wheeler. It is important that road access be closed to Silver Park and Wasson Park; the boundary in S. 1343 is the most viable for achieving this. Wheeler and the surrounding subalpine forests and parks are the last vestiges of what once existed on the south side of the La Garita divide. It is imperative that we protect Wheeler, not only to protect the spectacular geologic formations, but also to preserve the park and forest ecosystems.

I strongly support the designation of the Sangre de Cristos, Buffalo Peaks, Greenhorn Mountain, Spanish Peaks, and the additions to the Lost Creek Wilderness. Each of these areas has unique ecological and geologic geatures, has important wildlife habitat, and would add to the geographic diversity of the Wilderness System.

I appreciate your continued help in protecting the Piedra from the looming threat of timber harvesting. As one of the original appellants of the Sandbench timber slae, I have a great knowledge and interest in this area's resources. The Piedra is one of the last pristine areas of low-elevation old growth forest in southern Colorado. Its scenic, wildlife, and ecologic values far outweigh the need for timber.

Senator Wirth, thank you again for your steady support of Colorado wilderness preservation. Please let me know how I can be of further help in supporting passage of S. 1343. Please enter this letter into the hearing record.

Sincerely,

Nancy Strong
Nancy Strong

enclosures

STATE OF COLORADO
Richard D. Lamm, Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
Jack R. Grieb, Director
6060 Broadway
Denver, Colorado 80216 (825-1192)

2300 S. Townsend
Montrose, CO 81401
March 11, 1983

Mr. John A. McLemore
District Ranger
Rio Grande National Forest
Route 1, Box 520 G
La Jara, Colorado 81140

Dear Mr. McLemore:

Thank you for giving us an opportunity to provide some pre-planning input into the environmental assessment for the proposed Archuleta Drainage Timber Sale. Our Division does have very strong concerns about this proposed sale. The area in question remains one of Colorado's greatest natural resource secrets. Due to geographic location and demographics, the area sustains relatively minor human encroachment, resulting in an area which exhibits outstanding wildlife habitat and wildlife values. As you are well aware, human encroachment on public lands is quickly diminishing the value of high quality wildlife and scenic areas such as Archuleta Creek. This area currently boasts excellent populations of elk, bear, blue grouse and numerous fur-bearers, mammals, raptors and non-game species. In addition, Archuleta Creek, and its numerous tributaries, offer excellent fishing for, primarily, cutthroat and brown trout.

In 1981, 533 elk were harvested in game management unit 81, which encompasses the Archuleta Creek drainage. Applying this harvest information to the most recent wildlife economic analysis available, McKean and Nobe, 1983, shows that the value of the elk harvest in G.M.U. 81, assuming 1981 harvest information is comparable to 1982, has an annual value to the State of Colorado of $2,224,669. This is a renewable resource requiring minimal investment and maintenance. If harvest and recreation values were applied to all wildlife resources in the area, the value of the resource would be multiplied several times over.

Without question, development of 22.5 miles of road in the Archuleta Creek drainage will have irreparable adverse impacts on wildlife. There are no vacant, adjacent ecological niches left that could support an additional herd of elk the size of the one inhabiting Archuleta Creek, if this herd is displaced by timber activities. There are numerous references which outline the consequences of timber harvesting on the environment. U.S.D.A. Forest Service General Technical Report INT-90, September, 1980, is just one reference which documents the influences of timber harvesting on big game. Our concerns on road construction are well documented in this publication by statements such as, "Road construction and timber cutting constitute a major disturbance of the forest environment. Elk, particularly on summer range, have responded by moving from 0.8 to 6.4 Km (0.5 to 4 miles) from the source of disturbance (Beall 1974: Marcum 1975: Ward 1976: Lonner 1978). The report continues on to discuss the temporary effects of logging on elk. We could agree with

DEPARTMENT OF NATURAL RESOURCES, Monte Pascoe, Executive Director • WILDLIFE COMMISSION, Donald Fernandez, Chairman
James Smith, Vice Chairman • Richard Divelbiss, Secretary • Jean K. Tool, Member • James C. Kennedy, Member

Mr. John McLemore
Rio Grande Nat. Forest
Page 2

the temporary assessments if the project was short-term and all roads were closed to public use and reclamated immediately upon timber harvest cessation. Unfortunately, it is unrealistic to think that timber roads could be closed permanently after being open for years for timber harvest. Political constraints and travel distance for Forest Service personnel will make it difficult to control human encroachment.

Disturbance of vegetation and soils can have adverse impacts on the watershed, soil stability and water quality. Once sensitive geologic areas have been disturbed, it is very difficult, if not impossible, to control slumping and sliding, particularly in areas underlain by mancos shale. A report entitled "The Effect of Timber Harvesting on the Natural Slope Stability of the Chama Valley, Archuleta County, Colorado," which was prepared for the Rio Grande National Forest, has concluded that timber harvest areas logged in 1958 had not fully recovered from logging operations after 17 years. The study continues on to discuss the sensitiveness of the Chama Valley geologic stability and impacts of logging. Considering the vast number of roads proposed for the timber sale area, we seriously question the feasibility of constructing and maintaining these new roads while maintaining the environmental integrity of the area. It will be very costly to construct a road system in this sensitive geologic area without encumbering excessive maintenance costs. I do not know what the economic feasibility of this timber sale is. I am aware, however, that data complied in 1978 by the National Resource Defense Council indicates that Colorado National Forest timber sales returned $0.23 for each $1.00 spent by the Forest Service. If this data is accurate and current to the depressed timber market, I question whether the current Administration's Asset Management Program will permit a sale at this time.

Our Division feels so strongly about the high quality wildlife resources in the Chama Basin that we have to question whether the aesthetics and economic values of wildlife in the area don't far outweigh the value of a timber sale, especially considering the high costs of opening the area with roads and the long-term adverse impacts to the watershed.

Because of the adverse impacts on wildlife habitat and wildlife resources, we would encourage the Forest Service to strongly consider a "No Action Alternative" in the environmental assessment report. We very much appreciate having the opportunity to comment on this important proposal. If you have any questions about our concerns, please give us a call.

Sincerely,

Robert K. Rosette
Robert K. Rosette
Regional Manager

RKR:mg

cc: Jack Grieb
Bob Clark
Clayton Wetherill
Dick Weldon

RGNF

2550 Soil Management

September 11, 1981

Beaver Ponds & Archuleta Timber Sales

Conejos District Ranger

On June 24 and 25 Joyce Jankovsky and I made a field trip to the Chama Basin to inspect timber sale areas for soil problems. This was my second trip through the Beaver Pond Sale and the first time in the Archuleta Sale area.

The Beaver Pond Sale area does not show much evidence of mass movement in recent times. The entire Chama Basin is relatively unstable due to the parent material that underlies the very old landslide overburden. The Beaver Pond Sale lies on a relatively level bench about 800 feet above the Rio Chama. Much of the terrain has formed as a result of landslides breaking away from the cliffs to the east of the sale area. The soil mantle in the sale area is stable. Road cuts should be kept as small as possible to minimize underburden disturbance, especially near drainage channels which may saturate the underburden at certain times of the year.

The Archuleta Sale area is very different than the Beaver Pond. The area shows a lot of soil movement both old and fairly recent. The timber stand is mostly on benchy landforms that contain buried soil horizons that indicate mass movement. It is my belief that road building and timber harvest activities in this area would accelerate or cause more mass movement.

DON MURRAY
Soil Scientist

DMURRAY/rs 2867

912 N. Royer St.
Colorado Springs, CO 80903
November 7, 1989

Rep. Joel Hefley,
House Office Building
Washington, D.C. 20515

Dear Rep. Hefley,

For nearly a decade, efforts to protect Colorado's threatened wild lands as Wilderness have been hampered by needless haggling over water rights. After years of negotiations, water development interests still refuse to accept reasonable measures to protect both exising water rights and wilderness. In the meantime, our wildlands are being threatened by timbering, off-road vehicular abuse, oil and gas development, and ski area development.

It is time for these areas to be protected. Sen. Tim Wirth has introduced S. 1343 which would designate 750,000 acres of Wilderness, including several premier areas near Colorado Springs: Buffalo Peaks, Greenhorn Mountain, Spanish Peaks, the Sangre de Cristos, and additions to Lost Creek Wilderness. I have personally visited each of these areas and have found them to be spectacular and unique, helping fulfill the purposes of the Wilderness Act, to preserve intact representatives of our diverse ecosystems.

These areas provide important wildlife habitat to myriad species and are invaluable scenic and recreational resources for southern Colorado. S. 1343 establishes wilderness boundaries for these areas that have been worked out between conservationists and other interests. The bill provides a vehicle for resolving the long-standing debate of future management of these wild lands and provides a reasonable and workable solution to the water rights issue.

Rep. Hefley, it is crucial that a companion bill be introduced in the House and that Sen. Wirth receive support from each representative from Colorado. I hope you will support S. 1343 and take the lead in introducing this legislation in the House.

Thank you for considering my views. I look forward to hearing from you regarding your action on this issue.

Sincerely,

Nancy Strong
Nancy Strong

912 N. Royer St.
Colorado Springs, CO 80903
October 20, 1989

Leon Young, Vice Mayor
City Council
P.O. Box 1575
Colorado Springs, CO 80901

Dear Mr. Young,

I am writing as a constituent of your district to encourage you to reverse your resolution in opposition to Sen. Tim Wirth's Colorado Wilderness Bill. S. 1343. I have found it ironic that the city council has chosen to oppose protection of Colorado's wilderness while lamenting the drop in tourism in our city. I suggest that the two issues are closely tied.

People come to Colorado to visit the Rocky Mountains, to see our pristine wildlands, clear streams, abundant and diverse wildlife, the historic features of centuries past, the natural qualities that make our state unique and wonderful. They do not visit Colorado to see new shopping malls, sprawling subdivisions, concrete-lined stream channels, polluted air, traffic and the other "amenities" of urban development.

Colorado Springs is lucky at the present to have a reputation as a beautiful city at the foot of the Rockies. We are a gateway, a home-base perhaps, for people traveling through the Rockies. Hence, Colorado Springs could only benefit by supporting further protection of the resources that make Colorado special. We have several areas close-by, the Buffalo Peaks, Lost Creek, and Spanish Peaks, for instance, that would be designated Wilderness by Sen. Wirth's bill. Their protection will be a benefit to us, the citizens of Colorado Springs, and to tourism.

The bill does not threaten any existing water rights. The bill encompasses major compromises concerning water rights issues. Opposition to the bill based on water issues ignores the facts.

Thus, there are many reasons for Colorado Springs to support S. 1343 and no reasons to oppose it. Let's protect what makes Colorado such a great place to live. Please reverse your resolution and publicly support the Wirth Wilderness Bill.

Sincerely,

Nancy Strong
Nancy Strong

NOV 16 1989
1989 NOV 29 PM 5:08

1941 Forest Parkway
Denver, Colorado 80220
November 11, 1989

Dear Senator Wirth:

I strongly support your 1989 Wilderness Bill S. 1343.

Increasing the amount of wilderness area in Colorado is vital to present and future residents of this state. In a narrow sense, preservation of wilderness is essential for Colorado's economic health. In a larger view, preservation of wilderness is essential to the health of the planet.

Testimony at the Saturday, October 28, hearing in Denver covered many supporting reasons for this vital legislation. A few points I wish to repeat here are:

1. The bill does not affect existing water rights.
2. Some opposing testimony was based on hypothetical concerns, e.g., "setting a precedent" for future legislation. This is not valid as a reason to oppose this carefully worded bill.
3. The need to preserve ecosystems and habitats of some animal species cannot wait any longer.
4. There is a need to leave areas in a relatively untouched state, not only for us to observe and enjoy them, but also for scientific observation.
5. The greenhouse element must be considered as an additional reason for protecting unexploited land.
6. The use of off-road vehicles in Wilderness Study Areas does not mandate the exclusion of these areas from wilderness designation. Unfortunately, many who are currently using vehicles on trails in these areas feel differently. Use of those trails and roads by motorized vehicles is not compatible with wilderness. Damage to fragile ecosystems by vehicle use has been well documented. The fact that this practice is not currently prohibited does not create a legal right. Driving ORV's in Wilderness Study Areas does not and should not give the vehicle users veto power over Wilderness designation for these lands.

Sincerely,

Margaret W. Roberts

Margaret W. Roberts

NOV 9 1989

November 7, 1989

The Honorable Senator Timothy Wirth
1129 Pennsylvania Street
Denver, Colorado 80203

Dear Senator Wirth:

I am writing to you to submit my written comments regarding Senate Bill S1343; additions to existing wilderness areas in the State of Colorado. I wish for this letter to be entered as my personal testimony for the Senate field hearings held in Denver on October 28, 1989.

For the record Senator, I am strongly opposed to the passage of S1343 as it is currently written. Your bill misclassifies several hundred thousand acres of National Forest lands as "pristine wilderness". In fact, several of the areas you would designate wilderness, such as the Davis Peak, Fossil Ridge, Oh-Be-Joyful, and Sangre DeChristo parcels, include several hundred miles of well established, highly-used four wheel drive and off highway vehicle (OHV) trails. These roads and trails are actively used by a multitude of recreationists and will not magically disappear in 100 life times. How do these areas possibly qualify as wilderness worthy??? Perhaps you and your staff, along with the Sierra Club, Wilderness Society, and other eco-elite groups, should more carefully review the official Federal definition of what constitutes wilderness!

After attending the field hearing in Denver October 28th, I have come to the conclusion that those individuals who whine excessively about mining, timber sales, and oil and gas activities never think about where that aluminum frame in their new backpack comes from (mining), or that nylon cloth covering the frame (oil). Or what about the steel and plastics that comprise the automobile they drive to their favorite trailhead. These folks simply don't take the time to think about the hypocrisy of their actions. Where do these people think the products from which they benefit so much come from? As you are well aware Senator, nothing in this world is free.

Human beings have certainly left their mark on this Earth, and unfortunately, that mark is very ugly in many instances. I believe that those areas of the State of Colorado that are truly pristine should be saved through wilderness designation. Those areas containing the well-established footprint of man should remain open to multiple use! This will serve two worthy purposes: One, by allowing those areas designated multiple use to remain as such, increased pressure on existing wilderness will be mitigated by providing significant acreages of easy-access family-oriented National Forest lands. And two, by leaving the system as is, the needs of the majority will be satified by providing land to explore for minerals, conduct ranching on, and provide diverse recreation opportunities to many, not just backpacking and horseback riding folks.

Senator, I urge you to reconsider the boundaries designated in S1343, and follow the recommendations of the Forest Service. The various interests opposed to this legislation are now becoming organized. We will protest this bill to the end, and remember its benefactor come election time. As the old saying goes, "Fool me once, shame on you...Fool me twice, shame on me!" Please do what makes sense for most of the people of Colorado and alter S1343 to U.S.F.S. specs.

Sincerely,

John R. Koehler

John R. Koehler
P.O. Box 151
Idledale, CO 80453

November 8, 1989

The Honorable Senator Tim Wirth
1129 Pennsylvania Street
Denver, Colorado 80203

NOV 9 1989

Dear Senator Wirth:

I am writing to present my testimony regarding Senate bill S1343, the designation of Colorado wilderness areas, currently under consideration. As a fourth generation Colorado native I feel more than qualified to state my opinion on the designation of these public lands as wilderness. I am appalled at the people who are dictating my rights in experiencing Colorado's outdoors under the premise that they alone are qualified to use this fragile environment in which we are all guests. Since my early childhood I have spent a lot of time exploring Colorado and can state with confidence that I have seen more of this state than the vast majority. I have enjoyed the experience of backpacking 15 miles into a wilderness area as well as enjoying, equally, the experience of riding 100 miles of existing trail systems through national forest lands on my dirt bike (motorcycle). I resent being classified as a hater of the environment due to the latter - I am not a hater nor destroyer of the environment but, am simply, a believer in responsible use of the land.

The entire purpose of wilderness designation is to preserve untouched, unique, pristine areas in their natural state. These lands should be very carefully selected and designated so as not to cheapen the definition of pristine wilderness by allocating lands that are beautiful yet not pristine. The purpose is not to blanketly designate hundreds of thousands of national forest and Bureau of Land Management acres many of which currently maintain road and motorized trail access, mining activities, logging and animal grazing. The existing roads and trails will not disappear with the designation of wilderness.

Please. Let us preserve the truly pristine but stop and think objectively and do not listen only to an elitist few, many of whom have never seen much of the land in question. Most of the areas of concern in this bill are under no eminent danger of being destroyed and can be used effectively and responsibly as multiple use lands. This beautiful state offers many gifts - let's not deny the very young, the handicapped, the elderly, the inexperienced, the poor, the minorities the right to use their, and all of our, public lands which, though undeniably beautiful, do not merit the wilderness designation. Let us instead educate the people on responsible use and maintenance of these lands and allow all of America to enjoy the public lands and not just the young, white, healthy, upper middle class adult population.

The blood of my foremothers and forefathers helped to build this state and, quite frankly, I resent being denied access to my public lands via self-righteous, so called environmentalists who have never stopped to think that many of the lands in this state can be used by the "other" people without destruction. Colorado presently contains well over two million acres of designated wilderness which is more than sufficient for the use that they actually achieve. Denying access for many users of public lands is a cheap ploy in gaining political clout on the issue of environmental awareness - awareness is a much more complex issue than yourself and the eco-terrorists would like the public to believe. Please take a responsible and educated stance on the environmental issues for over-appropriation of wilderness will, in the long run, endanger all of the wilderness areas and, in particular, those that are truly deserving.

Of the lands included in your proposal the following merit special mention as lands which under no circumstances merit closure:

The Rainbow Trail in the southern edge of the Sangre de Cristo Mountains (The high peaks themselves are the only area that is truly pristine and the only area acceptable as wilderness).

The Davis Peak area near Steamboat Springs.

The Fossil Ridge area near Gunnison (there are more reasonable ways to prevent ski area development).

Engineer Pass Road in the Americal Flag area of the Uncompahgre National Forest.

Wheeler Geologic Area near Creede.

None of these lands are unique as wilderness. None of these lands are truly pristine. All of these areas currently maintain motorized access through extensive trail systems and roads.

What has happened to choice, tolerance, diversity, responsibility? What has happened to the American way?

Thank you for your time and consideration.

Jennifer Riefenberg
P.O. Box 151
Idledale, CO 80453

NOV 13 1989

November 8, 1989

Sen. Timothy Wirth
1129 Pennsylvania St.
Denver, CO. 80203

Dear Sen. Wirth,

Due to time constraints and the number of people at the Sub-Committee hearings Oct. 28, 1989, I was unable to testify. I would like my opinion on the public record.

I **oppose** your wilderness proposal from the standpoint of closing roads to Off Highway Vehicle travel.

Sincerely,

Patrick L Boese

1940 Xanthia st
Denver Colo 80220
PATRICK L BOESE

Thomas P. Quinn
Carol M. Quinn
10872 W. Evans #3C
Lakewood, CO 80228

November 8, 1989

U.S. Senate
Subcommittee on Public Lands
Washington D.C.

Comments on the Colorado Wilderness Act of 1989
s. 1343 before the Senate Subcommittee
on Public Lands

We strongly urge the senate to pass s. 1343 for the following reasons.

1. We make extensive use of Colorado's wilderness areas and believe it is essential to designate atleast an additional 750,000 acres as wilderness. These areas serve many important purposes both economic/utilitarian and aesthetic. First, they provide numerous opportunities for low-impact recreational activities. Second, they are absolutely essential to Colorado's tourist economy. Wide open vistas filled with wilderness draw millions of people to Colorado every year. While some people say that "you can't eat wilderness" this is simply not true in Colorado.

2. It is essential that wilderness areas be created with some water rights protections. S. 1343 explicitly recognizes reserved water rights but also contains provisions which protect the rights of existing appropriative water users. Specifically, the bill reserves only that amount of water "sufficient" to satisfy the purposes of the reservation of wilderness. Moreover, it requires adjudication of wilderness water rights in the Colorado state water courts and contains language specifically protecting senior appropriative rights. Additionally, this bill designates only headwaters wilderness areas and does not interfere with the rights of any other appropriative users.

The water rights provisions of s. 1343 provide adequate protection for the water rights of the designated areas while avoiding any conflicts with existing water rights. Given this fact there is no need to decide the issue of water rights for future downstream wilderness areas because the question is not ripe. Those questions should be decided on a case by case basis at the appropriate times. Opponents of this bill are attempting to stop its passage by demanding that the issue of downstream wilderness water rights be decided now. However, we cannot allow this opposition on the basis of an irrelevant issue to take away our opportunity to create more wilderness for Colorado. Wilderness with water, without water there is no true wilderness.

In conclusion, we request that the Senate pass the Colorado Wilderness Act of 1989 as proposed

Respectfully Submitted

Thomas P. Quinn

Carol M. Quinn

November 8, 1989

Sen. Timothy Wirth
1129 Pennsylvania St.
Denver, CO. 80203

NOV 13 1989

Dear Sen. Wirth,

Due to time constraints and the number of people at the Sub-Committee hearings Oct. 28, 1989, I was unable to testify. I would like my opinion on the public record.

I **oppose** your wilderness proposal from the standpoint of closing roads to Off Highway Vehicle travel.

Sincerely,

JIM KREBS
1925 XANTHIA
DENVER, CO. 80220

SENATE SUBCOMMITTEE
ON PUBLIC LANDS, NATIONAL PARKS AND FOREST

RE: WILDERNESS BILL S-1343

I recently attended the committee's hearing in Denver, CO on October 28, 1989. Because I was unable to address the committee at the hearing, I wanted to submit my comments in writing to be included in the formal record.

For a myriad of reasons explained below, I unconditionally support S-1343 and the expansion of designated wilderness in Colorado. I am a frequent visitor to Colorado's high country and have spent many splendid weekends hiking and skiing in the Sangre de Cristo, Williams Fork and Vasquez/St. Louis proposed wilderness areas.

These areas have enormous recreational and esthetic values which warrant preservation for future generations. Their value, though substantial and enduring, is not adequately recognized, by the usual cost-benefit analysis which occupies much of today's conventional wisdom. Wilderness values are too subtle for such analysis. They cannot be reduced to a dollar valuation on a balance sheet.

The value of preserving our wilderness areas lies in giving future generations an opportunity to experience the mountains in their original form, free of off-road vehicles, timber cuts, powers lines and mining destruction. My life is made better, my job more manageable and my relationship to our planet more comprehensible, with my visits to these areas. This relationship to the wilderness is vital because it affords us a unique perspective in understanding ourselves, where we come from and the genesis of our values. Such opportunities should not be taken away from our children.

WATER ISSUES

After listening to the panel speakers appointed by the committee, I am persuaded that there are no genuine water issues raised by S-1343. Once the legal subtrafuge and smoke are cleaned away, the water interests reveal their true purpose. Their opposition to the bill is merely a negotiating tactic. They fear that passage of the proposed bill will deprive them of future bargaining chips in their unquenchable desire to control as much downstream water as possible. There is no nexus between upstream wilderness designation and downstream water controversies. Each is mutually exclusive. The former being far to valuable to be held hostage for the latter.

MULTIPLE USE ISSUES

Off-road vehicle users, snowmobilers, dirt bikers, loggers and miners have already destroyed far too much of our alpine tundra and landscape. Their presence is ubiquitous. S-1343 seeks only to preserve a relatively minute portion of our state as wilderness. Enough roads already cross our maps.

The so called "multiple use" advocates argue that the land is for everyone--and it is. The issue is how we use it, not who uses it. Certain forms of recreation are more appropriate in specific areas than others. A local zoning board would not allow a paper mill to locate in a residential district and we should not allow dirt bikes and off-road vehicles in the alpine landscape. Just as heavy industry is not allowed in residential areas--noisy, polluting, destructive machinery should not be allowed in the wilderness. With less than 4% of our state as wilderness, we leave plenty of roads available for the dirt bikers and multiple use advocates to degrade.

I strongly urge the committee to join with me in preserving at least a small slice of our planet in its preindustrial conditions. Future generations will cherish such areas and thank us for our foresight.

Jonathan Kriegel

Jonathan H. Kriegel
4155 E. Jewell Avenue, #500
Denver, CO 80222

NOV 13 1989

November 8, 1989

Sen. Timothy Wirth
1129 Pennsylvania St.
Denver, CO. 80203

Dear Sen. Wirth,

Due to time constraints and the number of people at the Sub-Committee hearings Oct. 28, 1989, I was unable to testify. I would like my opinion on the public record.

I **oppose** your wilderness proposal from the standpoint of closing roads to Off Highway Vehicle travel.

Sincerely,

Marie Kelly
1940 Xanthia
Denver Colo 80220

Marie Kelly

NOV [illegible] 1989

WIND RIVER LOGGING
P.O. Box 803 • Kremmling, Colorado 80459 • 724-9411

October 28, 1989

Senators:

Thank you for coming to Denver today to hear the concerns of Colorado citizens regarding S1343, Senator Wirth's proposal to add 750,000 more acres to the Colorado Wilderness System. A system, I would point out, that already entails 2.6 million acres in Colorado, 19.3% of the National Forest land in our state, nearly 1/5 of our forests set aside for a single use, a single group of users. If S 1343 is passed, that figure will grow to nearly 25% of our public forest land in Colorado set aside as wilderness. Before such a move is even considered, we need to answer some basic questions.

1) Is there a need for more wilderness? Or - are we just addressing the wants of some people. In fact, wilderness use in Colorado has decreased steadily in the last 8 years. U.S. Forest Service studies show that from a high in 1981, wilderness use in our state has declined by 34%, while the demand for other types of forest recreation has increased. Why, then, is Congress bent on giving us more of what fewer people want? In just 25 years the Wilderness System has ballooned to over 6 times it's original 15 million acres, to where we have about 91 million acres of protected wilderness today. As a famous personality once said about land, "They ain't making any more of it." If the amount of public land locked up for a few as wilderness is going to increase with S 1343, then the amount of land available for multiple-use by the many is going to decrease. With approximately 91 million acres of protected wilderness nationwide, 2.6 million acres in Colorado that is declining in use, we have enough, for today and for tomorrow. Let's manage our remaining forest lands for the good of the forests and the majority of forest users.

2) What will be the impact of S 1343 on the economy of the State of Colorado? What will be the impact on the small local communities of even more wilderness in their areas, communities that are already struggling economically? Has there been any specific economic analysis as to the affects of this proposed legislation? Are there any tangible benefits related to increasing the amount of wilderness

in Colorado? As a country, can we afford to lock away needed resources, only to import them from other places? Already as a nation, we are wasting our renewable forest resources while importing approximately 1/3 of our softwood lumber from Canada. In effect, we are paying for the management of their forests, at the expense of our own. We are subsidizing their economy, at the expense of jobs and products for the people of our country. Wood, water, forage, and grazing are renewable resources which need to be managed to ensure a supply for the needs of today and the demands of tomorrow.

3) Are we indeed protecting the land and forests by granting it wilderness classification? Or just the opposite? Wilderness designation of forest land effectively prohibits any actual management of the land or forests. Just a year ago we saw with glaring reality the consequences of the "Let nature take it's course" form of public land management in Yellowstone National Park. Yes, the papers told us how natural and good it was, for the land, for the forests, for the wildlife. And then the small back-page articles started coming out later: mudslides from the denuded slopes closing highways, sweeping vehicles into the river, erosion causing siltation of fisheries and spawning grounds, 6,000 elk starving to death last winter because winter ranges were burned, elk carcasses dragged from roadsides and hid from public view, salvage logging now occurring in some burned areas, when before logging was forbidden in the parks.

And now we are debating whether to commit more of our national forest lands to just such a management fate. Originally wilderness classification was considered for high elevation areas, areas of undisputed natural beauty, areas well suited to a wilderness form of management. Most of those areas are already protected as designated wilderness areas. Many of the areas being considered by S 1343 are lower elevation areas, areas with accessibility to and better suited for multiple-use management - for wildlife, grazing, water, recreation, timber, energy and minerals. Areas not unlike the Yellowstone area, and certainly not immune to the same catastrophic consequences of "do nothing" management.

4) How many times will we go through this process? The proposed legislation, S 1343, is open-ended regarding future consideration of even more of our public lands for wilderness designation. Remember RARE I, RARE II, Colorado Wilderness Act of 1980 - when is this going to end? Not with S 1343 as it contains no hard release language to finally release the remaining lands and study areas from future consideration. Even if S 1343 is passed, I would venture to say we will all be doing this again within 5 years, for certain within 10 years. Any legislation passed now must complete the wilderness system in Colorado, and release once and for always the remaining lands for multiple-use management by the professional land managers to the benefit of all. S 1343 does not do this. I do not support S 1343.

As you can see, I have many questions. Questions that I feel each member of Congress must answer in good faith before voting to increase the amount of wilderness in Colorado. Is there a need for more wilderness? No! Do we know what the economic impact will be? No! Are we protecting the land and forest with wilderness designation? No! How many times will we go through this process? Who knows?! S 1343 is a one-sided piece of legislation that does not address the needs of the people of Colorado and should not receive Congressional approval.

Sincerely,

Gerald A. Reed

Jerald A. Reed

WILDERNESS USE (Thousand Recreation Visitor Days) - ROCKY MOUNTAIN REGION, FOREST SERVICE

WILDERNESS	NATIONAL FOREST	ACRES (thousand)	1980	1981	1982	1983	1984	1985	1986	1987	1988
COLORADO											
Big Blue	Uncompahgre	98.3	83.4	93.5	82.6	36.0	32.3	33.3	29.5	30.5	31.5
Cache La Poudre	Roosevelt	9.3	-	1.8	3.8	3.4	6.8	9.8	5.7	8.8	3.6
Collegiate Peaks	Gunnison	48.1	-	15.3	6.1	5.6	8.1	9.1	8.0	7.0	7.8
	San Isabel	83.2	-	130.3	127.8	127.6	113.8	124.3	130.1	71.8	106.4
	White River	35.7	-	17.7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Total	166.8	-	153.3	138.7	136.7	125.8	134.8	141.1	81.7	116.4
Comanche Peak	Roosevelt	66.8	-	18.8	29.3	18.6	28.4	25.6	28.1	25.6	38.6
Eagles Nest	Arapaho/White Riv	133.0	77.8	78.0	87.6	128.1	108.3	98.9	88.9	81.0	84.6
Flat Tops	Routt	38.9	36.3	39.6	17.0	12.2	13.2	15.3	30.0	30.0	22.3
	White River	196.3	91.6	101.4	106.0	115.1	113.8	116.1	108.7	118.3	95.0
	Total	235.2	127.9	141.0	123.0	127.3	127.0	131.4	138.7	148.3	117.3
Holy Cross	San Isabel	9.6	-	15.6	15.0	15.3	10.9	13.7	12.1	9.4	10.7
	White River	113.8	-	71.8	101.3	87.5	93.5	110.6	118.1	134.2	93.1
	Total	123.4	-	87.4	116.3	102.8	104.4	124.3	130.2	143.6	103.8
Hunter-Fryingpan	White River	74.4	21.3	45.4	18.7	24.1	16.5	27.3	14.4	18.8	12.1
Indian Peaks	Arapaho/Roosevelt	70.8	274.1	310.2	195.1	191.8	53.4	63.6	82.7	63.6	90.3
La Garita	Gunnison	79.8	4.4	10.0	11.3	10.2	9.0	9.9	9.4	9.4	8.0
	Rio Grande	24.2	20.4	22.3	31.0	33.2	17.0	17.4	3.6	3.7	8.1
	Total	104.0	24.8	33.3	42.3	43.4	26.0	27.3	13.0	13.1	16.8
Lizard Head	San Juan	21.0	13.8	19.8	20.5	9.9	8.7	8.3	7.4	8.1	9.3
	Uncompahgre	20.5	7.8	8.4	8.3	9.2	5.6	5.3	5.3	5.7	5.7
	Total	41.5	21.6	28.2	28.8	19.1	14.3	13.6	12.7	13.8	15.0
Lost Creek	Pike	105.4	-	56.7	66.9	73.4	73.0	60.5	40.6	53.7	54.3
Maroon Bells/ Snowmass	Gunnison	20.3			5.7	8.3	13.0	13.8	14.2	10.7	10.7
	White River	163.5	130.9	211.3	111.1	113.2	94.4	79.2	57.4	71.4	168.9
	Total	183.8	130.9	211.3	116.8	121.5	133.4	93.0	71.7	82.1	179.6
Mount Evans	Arapaho	40.3	-	40.1	43.2	22.7	22.4	28.4	26.3	26.3	29.8
	Pike	34.1	-	37.8	47.2	53.8	50.3	54.3	49.5	49.5	40.2
	Total	74.4	-	78.0	90.4	76.5	73.7	83.7	76.8	75.8	70.0
Mount Massive	San Isabel	28.0	-	30.5	29.7	32.0	30.0	33.5	36.0	27.0	31.1
Mount Sneffels	Uncompahgre	16.5	-	11.1	11.8	7.1	6.6	7.0	6.0	6.6	6.0
Mount Zirkel	Routt	140.0	36.9	66.3	63.5	78.8	68.3	69.1	73.3	78.5	36.0
Neota	Roosevelt (Routt)	9.9	-	5.1	3.6	4.1	4.6	4.8	3.9	4.8	0.3
Never Summer	Arapaho	7.4	-	52.0	46.6	9.0	9.0	7.2	7.6	7.2	1.7
	Routt	6.7	-	1.4	1.4	1.2	0.9	0.8	.7	.6	.7
	Total	14.1	-	53.4	48.0	10.2	9.9	8.0	8.3	7.8	2.4
Raggeds	Gunnison	43.1	-	15.5	9.9	10.3	8.5	5.7	5.5	5.5	5.5
	White River	16.8	-	2.5	4.4	3.2	2.6	4.1	3.8	4.3	3.5
	Total	59.9	-	18.0	14.3	13.5	11.1	9.8	9.3	9.8	9.0
Rawah	Roosevelt (Routt)	73.0	22.8	22.6	19.0	22.4	12.5	11.4	7.7	11.4	10.0
South San Juan	Rio Grande	87.6	-	38.0	56.5	63.0	51.8	40.7	30.5	30.7	37.3
	San Juan	39.9	-	41.5	36.0	3.9	5.0	4.8	4.6	5.9	7.0
	Total	127.6	-	79.5	92.5	63.9	57.7	45.5	35.1	36.6	44.3
Weminuche	Rio Grande	164.8	72.3	90.9	88.0	66.1	83.5	27.4	77.2	77.6	63.9
	San Juan	298.9	120.6	164.5	176.8	188.8	179.8	87.3	97.8	99.8	89.0
	Total	463.7	193.0	255.4	265.8	254.9	263.3	155.7	178.0	177.3	152.9
West Elk	Gunnison	176.4	26.4	101.5	112.3	100.8	99.4	92.4	88.4	84.4	90.6
TOTAL	COLORADO	2,600.7		1,841.2	1,750.6	1,600.6	1,483.4	1,400.0	1,300.7	1,283.0	1,366.2

MANAGING A FOREST FOR MAXIMUM BENEFICIAL GREENHOUSE IMPACT

This is part of an article written by Neil Sampson, executive vice president of the American Forestry Association.

"If someone gave us an area of forest land and told us to manage it for **maximum beneficial greenhouse impact**, our strategy would be something like the following:"

"1) Manage the trees to encourage maximum growth rates. (It is the growth of trees that converts carbon dioxide into sugars, cellulose and oxygen. Building up biomass through growth is what results in net reduction of atmospheric carbon dioxide.)"

"2) As trees approach maturity and growth slows or stops, harvest them in a way that minimizes damage to topsoil and maximizes growth of the next crop of trees."

"3) Convert as much of each tree as possible into products with a long storage life, such as structural building materials, and use the rest as fuel. (The later use releases carbon dioxide back into the atmosphere, but since it replaces the use of fossil fuel, it represents recycling rather than a new addition to the atmosphere.)"

"4) Spread the ashes from burning the wood back on the land to help recycle nutrients; replant the land with the fastest growing trees best adapted to the site, and start the cycle over again."

"If that prescription sounds too much like modern industrial forestry to suite your taste, look at it again. It wasn't intented to justify any particular type of land management or maximize all forest values-it simply focuses on creating maximum biomass and using that biomass in ways that reduce or constrain the buildup of atmospheric carbon dioxide. The truth is that in terms of favorable impact on the greenhouse effect, modern industrial forestry works pretty well. If we had more acres of forest, managed better, the atmosphere and the environment would be improved."

MURRAY D. FELDMAN
2512 South Gilpin Street
Denver, Colorado 80210

November 9, 1989

NOV 13 1989

Senator Tim Wirth
1129 Pennsylvania Street
Denver, Colorado 80203

For inclusion in the hearing
record on S. 1343: The Colorado
Wilderness Act of 1989

Dear Senator Wirth:

I am writing to comment on your proposed Colorado Wilderness Act, S. 1343.

Overall, I strongly endorse the designation of additional wilderness areas on Colorado's national forest lands. I also support the objective of S. 1343 to expressly reserve federal water rights to fulfill the purposes of the wilderness areas that would be designated by S. 1343. However, I do find the following sections of the draft legislation to be potentially troublesome.

The first area of concern is § 201(a)(6) of S. 1343. This subsection provides that

> the express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System[.]

(emphasis added). As indicated at the Denver hearings on October 28, 1989, the language underlined above does indicate that the reservation of federal water rights is implied by every wilderness reservation made by Congress. On a personal level, I firmly believe this indication is a correct and fully supportable view of the application of the federal reserved water rights doctrine to wilderness reservations. Just such a view was ably and persuasively set forth by Judge Kane in his opinions in Sierra Club v. Lyng, 661 F.Supp. 1490 (D.Colo. 1987) and Sierra Club v. Block, 622 F.Supp. 842 (D.Colo. 1985). As Judge Kane noted, the

> conclusion that federal water rights were impliedly reserved when wilderness areas were designated within national forests in the State of Colorado receives . . . direct support in pronouncements of the United States Supreme Court, the Colorado Supreme Court, and the Solicitor General of the Department of the Interior.

661 F.Supp. at 1494.

On a practical level, however, I also realize that some members of Congress and some Colorado interests do not share Judge Kane's view of the federal reserved water rights doctrine. For this reason, and since you stated that you did not intend to influence any pending or future wilderness water rights issues (other than as to the areas designated by S. 1343), I would suggest that § 201(a)(6) be deleted. A statement that "no federal water rights other than those expressly mentioned are reserved by this Act" would be sufficient to express your view that no federal water rights be implied from S. 1343. At the same time, this revised language would refrain from issuing a gratuitous congressional statement on the interaction of the federal reserved water rights doctrine and wilderness designations.

A second area of concern is that while S. 1343 expressly reserves federal water rights for the wilderness areas designated by the legislation, there is nothing in the bill to guide either state or federal courts reviewing the quantification of these federal water rights. In United States v. New Mexico, 438 U.S. 696 (1978), the United States Supreme Court held that where Congress makes a reservation from the public domain, federal water rights are reserved only to the extent necessary to fulfill the purposes of the reservation; however, water rights are not impliedly reserved for secondary uses of the reservation.

Although S. 1343 deals with expressly reserved federal water rights, it borrows the language of the federal implied reservation of water rights doctrine to describe the amount of water reserved for the wilderness areas designated in the bill. Thus, § 201(b) purports to reserve only a quantity of water necessary to fulfill the primary purposes of the wilderness reservations. Cf. United States v. New Mexico. Nowhere in S.1343 is there any clear indication as to what the specific primary purposes of the wilderness areas are for which the water is being reserved. In order to provide definitive guidance to resolve the inevitable litigation that will ensue regarding the quantification of the federal water rights reserved by S. 1343, I strongly urge you to include within S. 1343 a specific statement as to the purposes for which water is being reserved in the wilderness areas at issue, and a statement that these are the primary purposes for which the wilderness reservations were made. I believe § 201(a)(1) of S. 1343 is inadequate to serve as such a specific statement since it refers only to "those natural values and recreation uses that wilderness . . . is meant to provide and preserve." I believe that some elaboration of these values and uses as the primary purposes of the reservation, at least in the legislative history of S. 1343, would well serve the goal of assuring the ultimate protection of wilderness and its associated water that you seek to obtain through S. 1343.

My third and final area of concern is the release language contained in § 403 of S. 1343. While I realize that one practical goal of wilderness legislation is to release other national forest lands for multiple-use management, I cannot support any statutory language which sanctions such a release based on an entirely inadequate review of the wilderness values and characteristics of the roadless areas released. I find that the language of S. 1343 itself mocks the natural values which may be present in these roadless areas. It is beyond belief that Congress possesses the time, expertise, or knowledge to make its own review and examination of the national forest roadless areas in Colorado. A further difficulty with § 403 is that it subjects the released roadless areas to management under forest plans developed under the National Forest Management Act without requiring that the wilderness option for these lands be considered until the second round of NFMA plans are prepared. The NFMA planning process, as numerous forest plan administrative appeals and federal court litigation have established, is inherently biased towards resource production and commodity values, while recreation and natural values are short-changed. To subject Colorado's remaining undesignated roadless areas to this planning and management process is to almost ensure that these areas will never be considered or suitable for designation as wilderness. Accordingly, I urge you to delete this release language from S. 1343 or at least to modify it to ensure that the wilderness, roadless, and natural values of the non-designated roadless areas in Colorado are adequately considered in the national forest management process.

In conclusion, I support your efforts to designate additional national forest wilderness areas in Colorado, subject to the concerns I have outlined above. In this silver anniversary year of the Wilderness Act, it is hard to conceive of a more fitting tribute to this landmark legislation than the designation of additional wilderness ares in Colorado. These areas will help ensure an enduring resource of wilderness for all of Colorado and the United States to enjoy now and in the future.

Sincerely,

Murray D. Feldman

Murray D. Feldman

MDF:lsc

November 10, 1989

Barry M. Vanderhorst
12415 W 2nd place #15-302
Lakewood CO 80228

Senator TIm Wirth
1129 Pennsylvania
Denver 80203

Subject: 1989 Wilderness Bill, SB# 1343

NOV 13 1989

For the record -

I am a homeowner and run my own business in Lakewood, Colorado. I am a very active mountaineer, and teach rock and snow climbing for the Colorado Mountain Club, Boulder Group. I am also active on the CMC Boulder Group Conservation Committee.

We are at a watershed on this planet. I was born in the age of plenty. Then, if we needed or wanted, we took. It seemed that it would never run out. Sometime in the last thirty years, we entered another era. It is the era of limited resources. I don't know that a single event marked this transition. I do know that it means we are past the halfway point. We have destroyed, used up, or changed one half of the Earth. We are now working on the last half

This is the legacy that was left me in Colorado, by the people before me - there are no more Grizzly bears. It is interesting to note that in Fremont's and King's account of the white man's first ascents of the Fourteeners, often, they remark that there is evidence of Grizzly bears having preceeded them. With these creatures I share, then, some kinship, in that they climbed the same mountains I love to climb for the same reasons - for the sheer exuberance of doing so, for the great view it provides.

These creatures are gone. So are the Moose, the River Otter, the Black Footed Ferret. This is not a legacy to be proud of. These things I cannot change. A wildlife official, asked for his opinion on whether the Grizzly ought to be reintroduced to Colorado, remarked (I had to read this three times before it hit me) - I've never met a Grizzly Bear I disliked enough to transplant to Colorado.

It is the attitudes of the people in this world that will determine the future. This is what I CAN change. If we go into the future bearing the attitudes of a bygone era, the we will undoubtedly doom ourselves. For our children, certainly then, I wish to leave a better legacy than the one left me. I wish to leave them a legacy of which I can be proud.

I support Senator Wirth's bill proudly. It is not so much an end, though, as it is a beginning. We must embrace the reality of the present day. We must, for all the things we say believe in, preserve some of these precious lands - both for today, and tomorrow; both for the American citizens of the future, and for the wildlife which is, too, part and parcel of this land called America. For they too, are citizens of this land. Without them we are surely poorer. With them we are surely richer.

Barry M vander Horst

Barry M. van der Horst

NOV 13 '89

2400 Forest Avenue
Boulder, Colorado 80304
November 9, 1989

Senator Tim Wirth
1129 Pennsylvania Street
Denver, Colorado 80203

Dear Senator Wirth,

Please include the following comments in the record for the Wilderness Bill hearing. These are to supplement the brief statement of support that I was able to make at that time.

I strongly support Senate Bill 1343.

Earlier this year I had the opportunity to study biology in Costa Rica for 2 1/2 months. Costa Rica has only 1/10 the land area of Colorado and has much greater population pressures and a poorer economy. Yet it has protected in its National Parks approximately the same amount of land as we will have protected in Colorado in National Parks, National Monuments and wilderness if this proposed Bill is enacted. My experiences in Central America made me much more aware of how critical protection is if we are to save some of the wild places on this earth for ourselves and for future generations. We can no longer afford to behave with the wild west attitude that wild lands and resources are unlimited and will always be there. We only get one chance to preserve land as wilderness. Once it has been logged or mined or the water diverted, it will never again be wilderness. As a biologist, I know that ecosystems are very complex. We do not yet have enough knowledge to be able to restore one to an undisturbed wilderness state. And even if we did, it still takes 300 years for a 300-year-old tree (such as the ones being cut in Bowen Gulch) to reach that age.

I want to comment on one proposed area in particular, the Sangre de Cristo. Last year I backpacked through the Comanche and Venable Creek drainages. Motor bike use had turned some of the trails into narrow ruts that were impossible or dangerous to hike in. And the sound of bikes could be heard for long distances, particularly when I was above or near treeline. Motorbikes and their sound are not compatible with the type of wilderness experience that people on non-motorized transport seek and desire. These drainages are important parts of a very nice moderate loop hike and I support their preservation for non-motorized use through wilderness designation.

Sincerely,

Louisa Stark

Louisa Stark

2400 Forest Ave.
Boulder, Colorado 80304
November 8, 1989

Senator Tim Wirth
1129 Pennsylvania St.
Denver, Colorado 80203

Dear Senator Wirth,

Please include the following comments in the Wilderness Bill hearing record in place of the very brief statement of support that I made at the hearing on October 28.

I strongly support Senator Wirth's proposed Colorado Wilderness Bill. I have been hiking and backpacking in COlorado's current Wilderness areas for the past nine years. My experiences in the wilderness are precious to me. Wilderness has been a place to find solitude and escape from an otherwise all-pervasive mechanized civilization; a place to meet personal challenges; a place to restore my perspective on the concerns of daily life.

However, wilderness is important not just for what it represents to me and other like-minded people, it is important for its own sake. It is a wild place and should remain that way because it is crucial to maintain the natural diversity sustained by wilderness, and because there are so few such places left in this country. So, even though I may never visit more than a few of these proposed wilderness areas, I support their designation as wilderness. Protecting these areas in their present state represents the kind of values, foresight, and restraint that we must exercise much more of, in many arenas, if we are to overcome the many environmental problems that threaten our future.

The one area that I have visited is the Sangre de Cristos, in August 1988. I entered and left through the Comanche and Venable creek drainages, which I was surprised and dismayed to find accessible to motorbike use. This shows the importance of completing he process of wilderness designation, so that hikers and recreational vehicle users can both be easily informed, in advance, of what areas are closed to motorized vehicles. These drainages were "trashed out" in several respects, but only in ways that could be cleaned up; the trails were rutted by motorbike tracks but did not have the character of forest roads. Thus it is appropriate, as in the proposed bill, to include these areas within the wilderness boundaries, which will help to protect the integrity of the surrounding areas in this splendid wilderness.

Thank you for this opportunity to comment on the proposed bill.

Sincerely,

David Mastronarde

David Mastronarde

P. O. Box 301
Yellow Jacket, Colorado 81335
August 31, 1989

Sub Comm. Public Lands, Nat Parks & Forests
United States Senate
308 Senate Dirksen Office Building
Washington D.C. 20510

RE: Opposed to S. 1343

Dear Senator Bumpers, Chairman

Just this summer I began irrigating with water from the Dolores Project in Southwestern Colorado. I am vitally interested in anything that could adversely affect the supply of water from McPhee Reservoir.

As I understand S. 1343 it does not directly impact the Dolores River. However, since the Bureau of Land Management is considering a potential wilderness area below McPhee Reservoir, my concern is that implications from this legislation would apply to the area. If that were the case, and more water were required to be released from McPhee Reservoir to satisfy that wilderness area water right, it could jeopardize the whole Dolores Project.

Therefore, until I know what water right a future downstream wilderness area might have, I am opposed to the addition of high altitude headwater wilderness areas.

I can support legislation that would not imply a water right for future downstream wilderness designations, as proposed on the Dolores River. In my opinion, solution of concerns that water users have about federally reserved water rights in wilderness areas has to be negotiated prior to expanding or adding more areas in Colorado.

Thank you for your consideration.

Respectfully,

Lynn Harvey

Janice Harvey

Senator Wirth's Wilderness Bill (S1343) Testimony

Denver, Colorado, October 28, 1989

5: 08

As a 73-year-old who has lived in Colorado for 32 years and has hiked, camped, skiied and climbed many mountains on many trips throughout this beautiful state I am here to testify for Sen. Wirth's Wilderness bill. I have personally visited many of the areas targeted for addition to the wilderness system in S1343 and know how wonderful it would be to add them to our existing wilderness. There are many great values in wilderness.

Wilderness is recreational for scores of thousands every year - it is also re-creational. It restores a tired spirit. It fills a sagging heart. It instills values little else can do.

Wilderness is essential to preserve eco-systems which are vital for the existence of many species of animals, birds and plant-life, without which our world would become dead-ended and dreary indeed.

Wilderness is one of Colorado's major economic assets. Tourists come here by the thousands to recreate and enjoy its world class outdoors - and they spend freely, heavily supporting our economy. Is it sensible to lose it because we don't protect it for this reason alone?

Once developed it is gone forever - it's irreplaceable. Don't we owe it to our children and grand-children to save them a wilderness heritage to enjoy for themselves and their descendents? Wilderness is as much for the year 5000 as the year 2000.

If this bill passes there will still be only 22% of National Forest lands designated as wilderness; 78% will still be available for development. Out of all of Colorado's land mass only 6% will not be available for development; 94% will remain available to developers. Is it self-serving to ask that our environment, for the good of all, be denied the really tiny addition of 750,000 wilderness acres?

Laurence M Currier, M.D.

Laurence M. Currier, M.D.
1555 East Lake Place
Littleton, CO 80121

Honorable Timothy Wirth
Subcommittee on Public Lands
and Natl. Parks and Forest Lands
237 Russell Senate Office Bldg.
Washington, D.C. 20510

1989 NOV 14 AM 11: 12

Senator Wirth,

This letter is in reference to Wilderness Bill #S1343.

I was present on October 28, 1989 for the public hearing concerning this bill. Due to time constraints I was unable to testify. Please let your records show that I am against your Wilderness Bill #S1343.

Respectfully,

Susan J. Stringfellow
22 Spur
Gunnison, Co. 81230

The Honorable Timothy E. Worth
U.S. Senate Subcommittee on Public Lands,
National Parks and Forests
237 Russell Senate Office Building
Washington, D.C. 20510

1989 NOV 14 AM 11: 12

Dear Senator Wirth,

I was unable to offer testimony at the Denver hearing on October 28, 1989. However, I would like my written testimony entered into the Public Record on Senate Bill S1343 (Colorado Wilderness Bill). I am opposed to Senate Bill S1343. I believe that there are problems with many of the boundaries and some of the specific wilderness areas proposed. I have been a member of the Sierra Club since 1977; a leader with the Colorado Mountain Club since 1983; and a member of a local Colorado 4WD Club since 1981. I believe that I am qualified to take an unbiased view of the situation and I see that changes need to be made.

The areas as recommended by the U.S. Forest Service are reasonable with the exception of the South section of the Sangre de Cristo wilderness study area. This section contains the Mt. Blanca 4WD road, a popular four wheel drive road which has been written up in nationally distributed magazines. This area does not qualify as "wilderness". S1343 should be modified to match the boundaries recommended by the U.S. Forest Service and eliminate other areas which are not included in the Forest Service proposal.

As a conscientious hiker and four wheeler I am concerned about the environment and its responsible use. I volunteer my labor to the U.S. Forest Service so that I may help to preserve our lands. I am opposed to S1343 and welcome the opportunity to discuss this Wilderness proposal with you further. Please contact me if you have any questions on this issue.

Sincerely,

Jim Mills

Jim Mills
3334 S. Ammons St., #13-108
Lakewood, CO 80227

Home: 303-988-5934
Work: 303-977-8224

Sky-Hi News, July 6, 1989, Page 7

Bike rider wants to ride in wilderness

To the Editor:

I want to make some comments regarding federal regulations on local land use. A copy of this letter is being forwarded to the U.S. Forest Service.

On June 26 a volunteer at the Monarch Lake gate did not allow me to ride my mountain bicycle beyond her post. A dirt gravel road, 20 feet wide, appeared stretched out ahead of me for about 50 yards, which certainly looked rideable to me.

But, because the government puts a local boundary around this particular area, calling it "wilderness," I'm not allowed to ride my bike in a few yards to look at Monarch Lake.

It seems to me that various branches of the federal government conflict with each others' respective jurisdictions — Energy vs Interior, Agriculture and the BLM, and so on. It's okay that a noisy drill rig is putting in a water well just a mile back at the campground, but my non-motorized pedal vehicle is hurting the environment.

America's outdoors are pretty much all the same in appearance to me, despite some bureaucrat's definition. Our parks are paved over with parking lots for RVs, cars, kids, dogs and noise. The signs put up that prohibit everything are more visually polluting than all that which the agencies prohibit!

We tell a generation only you can prevent forest fires and the national park service lets Yellowstone burn up. Snowmobiles, livestock grazing, timber harvesting, oil exploration, ski lift permits and automobile traffic jams all are allowed locally as well as most everywhere else I've been. Even the Supreme Court now says it's okay to burn the American flag as a form of freedom of speech (that's not okay).

It's not okay that our federal government's tunnel vision can be so inflexible, sarcastic, arbitrary and inconsistent in its management of our public lands.

Campgrounds should be free, paid for by our taxes. Less signs and more positive information for the public would be less obtrusive when you want to get away from it all.

Having lived out West for almost 20 years, I support a balanced land use for energy exploration, dams, grazing, timber and recreation. I don't litter, poach, leave fires unattended nor ski out-of-bounds. My grandfather, a bird scientist in the 1940s, knew more of conservation than any bureaucrat or Earth First Fanatic.

I just wish the so-called "experts" would get their heads out of their regulated hierarchy, use some common sense and start seeing the forest through the trees!

I'm going to ride my bike.

Chris Daley
Granby

November 9, 1989

1989 NOV 14 AM 11: 12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Keith A. Eggen

3520 W. EISENHOWER
LOVELAND, CO. 80537

303 - 669 - 1883

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Dawn Eggers
6609 W. 32 St.
Loveland, Co. 80538
(303) 669-1882

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Loretta V. Jennings

114 Juniper #A
Loveland, CO 80538

(303)-663-3938

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

3701 W 108th ave
Apt 402-A
Westminster
Colo 80030

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

John R Dayton
2113 Kirkwood Ct.
Fort Collins, Colo
80525

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,
Dan Humrich
2209 MOFFETT DR.
FT COLLINS CO
80526

November 9, 1989

1989 NOV 14 AM 11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Richard W Lawson
716 Kimball Rd
Ft. Collins, CO 80521

1989 NOV 14 AM 11: 12

November 9, 1989

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Rita Dayton
278 Manhead Mtn Dr
Livermore Co
80536

November 9, 1989

1989 NOV 14 AM 11: 12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Jerry G. Fox
3465 Lockwood Dr. #U-99
Ft. Collins, Co 80525

November 9, 1989

1989 NOV 14 AM11:12

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Pat Deines
1601 N. College #105
Ft. Collins, Co. 80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Richard L [illegible]

Ben Delatour Ranch
Red Feather Colo
80545

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Steve Kensok
4325 W. 17th St
Greeley, Co 80631

November 9, 1989

1989 NOV 14 AM11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Louise Norris
4412 East Mulberry
#190
Fort Collins, Colo.
80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Ed Norris
4412 E Mulberry #190
Ft. Collins Colo 80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Jee Ann Hoerler
209 Camino Real
Ft. Collins, Co 80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,
Walter Hoerlen
209 Camino Real
Ft. Collins, Co. 80524

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

4325 W. 17th St
Greeley, CO 80634

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

R. L. Wise
P.O. Box 173
La Porte Co. 80535

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Vera B. Wise
P.O. Box 173 2824 Gardner Pl,
La Porte, Co. 80535

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,
George Snyder
1701 Cedar St.
Fort Collins
Colo.
80524

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

[illegible]
1701 [illegible] St.
Ft. Collins, Colo 805[illegible]

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely, George Terry
6005 Red Cedar Dr.
Bellvue, CO. 80512

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

2617 Treemont
Ft Collins CO 80524

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Evard K [illegible]
1301 [illegible] St.
Ft Collins, Colo
80524

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Mary N. Yarber
1301 Ibelek
Ft. Collins. Co. 80524

November 9, 1989

1989 NOV 14 AM 11: 11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas. This is self serving, short sighted and certainly anti-Colorado!

Sincerely,

Lillian A. Hipson
1910 W. Cnty. Rd 60E
Ft. Collins, Co 80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

Robert B. Hipson
1910 W Co Rd 60E
Ft Collins Co.
80524

November 9, 1989

1989 NOV 14 AM 11:11

Senator Timothy E. Wirth
United States Senate
380 Russell Building
Washington, D.C. 20510

Dear Senator Wirth:

I am adamantly opposed to your proposed legislation in S-1343 regarding Wilderness Areas.

Sincerely,

P.O. Box 8107
Ft. Collins, Co 80526

2930 Adobe Drive
Fort Collins, CO 80525
November 3, 1989

1989 NOV -9 PM [illegible]:43

Senator Timothy Wirth
United States Senate
Washington, D.C. 20510-0603

Dear Senator Wirth:

As a Colorado native and an environmentalist, I would like to thank you for your leadership in the wilderness arena. I attended the recent hearing on Senate bill 1343. I would like to go on record as a supporter of this bill.

I believe that the issue of downstream water rights should be solved in seperate legislation. This issue should not effect the future of S. 1343. Because the water rights associated with the proposed wilderness areas are in the category of headwaters there are no conflicts of interest created by S. 1343. The only valid question when considering whether to support S. 1343 is whether the designated areas are worthy of protection. I strongly believe that they are.

Sincerely,

Paul McClure

Paul McClure

INWARD BOUND Joan Blanchard, PhD, CAC III, 6712 Jay Rd, Boulder, CO 80301 (303) 530-2120

1989 NOV 13 PM 3:38

November 5, 1989

Senator Timothy Wirth
312 Dirkson Building
Washington, D.C. 20510

Dear Senator Wirth,

I am writing to give testimony in favor of S1343. I was at the hearing in Denver on October 27th and stated my position at that time. I heard a lot of good testimony giving facts and figures, so I am just going to relate my own personal experiences in the wilderness.

I came to Colorado in 1968 specifically to find a mountain cabin to live in. It seems like I've always had this dream, and as a child I drew floor plans and sketches of the place I would have someday. I was a tom-boy and could always be found in the woods when I played hookey. We lived in cities when I was growing up, but I always found a strip of woods somewhere. I never really questioned my connection with nature, I just knew it made me feel good.

When I passed through Colorado in 1967, I knew this was the place to actualize my dream. I went back to Houston to finish my Bachelor of Science degree in Optometry, and returned a year later. Actually, I was dropping out, as I had a year to go to become an optometrist. I was very troubled in those days, however, and I felt that I needed to get away. I didn't know it yet, but I was already an alcoholic.

A year after I moved to Boulder, I found the place of my dreams. It certainly didn't look like much, in fact it seemed to be quickly returning to the earth! It was a small log cabin with a dirt floor and no door. The hillside was sliding into it through the missing logs in the back wall. But to me it was a palace. I had arrived. I didn't know who owned it, but it felt like mine. In my brazenness of those days, assisted by booze, I moved in. Little did I know that this was the beginning of a long journey of healing.

The pride I felt in restoring the place, the resourcefulness I had to find within myself, the responsibility I had to develop to have the wood covered before it snowed and the lamps filled before dark, the reconnection with my body through physical work, and especially the spiritual renewal I experienced through nature, all contributed to my eventual recovery.

Six years later I decided I deserved better than to kill myself slowly with alcohol and I quit drinking. I had been a "low bottom drunk" in my day, and sobriety was such a miracle in my life that I felt a need to pass on the blessings I had received. I went back to school and received a Masters in counseling and a Doctorate in experiential education.

I began my career as an experiential therapist by starting a program called INWARD BOUND. This is a wilderness program with a twist! Rather than a "conquer the mountain" approach, I help people learn to let nature be, to learn from [illegible] be a mirror for ourselves. I use nature as a metaphor for our inner and outer lives. The program is process oriented rather than goal oriented, as is nature.

I work with people in recovery of one form or another, and I have contracts with treatment facilities in the area. INWARD BOUND has become a highly successful program largely because I am passing on the blessings I have received from my experiences with the wilderness.

Without my chance to connect with the source, none of this would have happened, in fact I am sure I would not be alive. I want as many people as possible to have a chance to connect also. This doesn't require living in the woods for 20 years as I did, but just to be able to get away, to get quiet, so as to find their own inner strength and wisdom. This is what I know wilderness can do. And this is what we so desperately need in these times of noise and confusion.

Thank you for this bill and the chance to state my position.

Yours Truly,

Joan Blanchard

Joan Blanchard, Ph.D.,CAC III

THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES
HEARING ON S.1343

25

ADDENDUM TO STATEMENT SUBMITTED IN DENVER, COLORADO, OCT.28,1989
BY ROBERT. W. CHILD
OCTOBER 31, 1989

At the time I prepared my initial statement in support of S.1343, it had not occurred to me that right in my own backyard I had a good example of the water rights impact of headwaters Wilderness.

My ranch lies below a portion of the White River National Forest. Haystack Mountain, the closest mountain, although linked by a ridge to Mount Daly and Capitol Peak, until 1980 was not included in the Snowmass-Maroon Bells Wilderness area although it had all the attributes associated with Wilderness designation. All three mountains would meet the definition of "headwaters", with Haystack over 12,000 feet in elevation, and Daly and Capitol even higher. The latter two peaks had Wilderness designation before 1980.

In the 1970's strong consideration was given to the development of a major ski area on Haystack Mountain, although it lies in an area glutted with ski acreage. Development would have been accompanied by demand for municipal and industrial water, and the water rights for the ranches in the valley below would certainly have become junior. In other words without Wilderness designation, little or no protection was afforded the ranches in the valley below.

With Wilderness designation in 1980, the water rights of these ranches became secure against other than downstream "calls". At that time it did not occur to me that we had become so protected. Still the potential exists for those downstream calls because the waters flowing off the Haystack snowpack have no protection as flows adjudicated for that portion of the Wilderness.

That potential for call could have been minimized by the language as proposed in S.1343. Although it is too late for our situation I think that you will find that the Haystack Mountain situation is replicated in each of the areas proposed for Wilderness designation under S.1343

Robert W. Child
4516 Capitol Creek Road
Snowmass, Colorado
81654

Robert W. Child

Note: The Snowmass where I live has no connection to the Snowmass Resort.

Senate Subcommittee on Public Lands
Senate Office Building
380 Russell
Washington, D.C 20510

Nov 6, 1989

Dear Senators,

I strongly urge your committee to recommend the Colorado Wilderness Bill (Bill # S1343) for passage. As many people are finding out, Wilderness is essential to societies well being and health. Not only does Wilderness provide opportunities for recreation and solitude for people, but wilderness also provides many other benefits, suchas genetic diversity and stability, watershed protection and wildlife habitat.

As more and more of our roadless lands are developed, ~~logged~~ logged, have their water diverted, polluted...... We become that much poorer. People ~~[illegible]~~ loose a part of their pioneer heritage, loose places that are free from human influence, loose future genetic stock, ~~lose~~ loose, loose, loose - all for the sake of some timber that will probably go over seas. So much to loose with so little to gain. I hope that your committee will see the humane benefits from intact wilderness areas and roadless areas, beyond the dollar signs that industry holds up as the almighty reason to destroy so much. I urge you for myself and my future children - I want them to be able to experience wilderness as it should be - and that only can happen f we ensure there is enough wilderness to survive for generations.

One last thing - you may get responces to wilderness like "but ~~there~~ there is already enough wilderness". If that is true then why does Colorado have some of the most impacted wilderness areas? Why must I get a permit, months in advance, to go backpacking? People have found they need wilderness, and are flocking to it. Don't destroy more, but create more!

Please I urge you to create more wilderness, please vote for Bill # S1343 The Colorado Wilderness Bill, for all of our sakes!

Thank you
Christine Hill-King
Gold Hill
Boulder, CO
80302-9771

John Grow
1727 Pine St., #2
Boulder, CO 80302

Senate Subcommittee on Public Lands
380 Russel Senate Office Building
Washington, D.C. 20510

To whom it may concern:

I am a life long citizen of Colorado. I was born here, educated here, and intend to live here the rest of my life. This letter concerns my support for the Colorado Wilderness Act of 1989 proposed and co-sponsored by Senator Wirth. Though my political orientation has traditionally been Republican, my support for this act is unequivocal. We are presented with a narrow window of opportunity to preserve Wilderness now, before developers interests become too reliant upon the future use of these Public Lands that we will not be able to set aside wilderness for the use of future generations. Colorado, and the United States as a whole, will derive increased dignity and integrity from the expansion of our wilderness areas for the preservation of our National Heritage.

This Bill is a compromise between environmentalists and developers in many ways. Only 750,000 acres are to be included into the Wilderness of Colo., leaving over 94% of the state open to further development. Ecotourism is a multi-billion dollar industry in Colorado, and this Act can only further what Colorado has to offer to visitors to our state. Furthermore, this is a sustainable economy, unlike the Boom & Bust economy further development of these areas has to offer us. Colorado should diversify its economy, instead of putting all of our eggs in one basket w/ the narrow vision of development as our only recourse to the future, let us instead plan for economic and ecological diversity. This course of action is an advancement of a multiple-use philosophy to our management of Public Lands. It is only those individuals and interests who reject Wilderness use who are the true opponents of multiple-use.

In a rapidly growing world w/ increasing population pressure, our humanity and tradition of working w/ the environment must be preserved in the face of encroaching developmental interests. Our national heritage and integrity depends upon the ability of present generations to exercise the wisdom and foresight to set aside these modest and token wilderness areas so that future generations have the opportunity to enjoy and experience ~~the~~ wilderness. I appeal to you to consider this proposal with all of the respect and urgency ~~with~~ which it deserves, and to register your support for the Colorado Wilderness Act.

Sincerely
John B. Grow, III
(John B. Grow, III)

OUTWARD BOUND
TO SERVE TO STRIVE AND NOT TO YIELD
Established 1961

Colorado Outward Bound School
945 Pennsylvania Street • Denver, Colorado 80203-3198
303-837-0880

November 6, 1989

Public Lands, National Parks &
Forests Subcommittee
Dirksen Building, Room 308
Washington, DC 20510

Gentlemen:

My name is Mark Udall, and I wish to submit testimony as the Executive Director on behalf of the Colorado Outward Bound School (COBS). First, let me state our strong support for the Wirth Bill. COBS has been using Colorado wilderness areas for almost thirty years as classrooms in which people of all ages and backgrounds discover their self-potential, learn how to effectively work in group settings, and gain a great appreciation and reverence for the natural world. Among our 70,000 alumni there are corporate executives who have learned the true meaning of teamwork and thus improve corporate performances, alcoholics and substance abusers who are now sober, and young people from all backgrounds who have discovered that there are many mountains in life and all of them can be climbed by applying commitment, perseverance, and leadership. These revelations, insights, and positive changes in behavior have occurred in Colorado's wilderness areas.

Over two-thirds of our 5,500 students per year come from outside Colorado. Over half of our $4.5 million budget pays wages for our 45 permanent and 300 seasonal staff. Much of the rest of our budget goes to the purchase of goods and services all over Colorado--in Denver, Silverton, Crestone, and many other west slope communities. COBS is an integral part of the renewable tourist economy that many Coloradoans believe must be a key part of our present and future economic mix. But we must be assured that our classrooms will continue to exist. This wilderness bill when it is passed will provide that assurance! For example, our programs have operated in the Sangre de Cristos since 1967. We are very concerned about the pending threats to the pristine and unique terrain of the Sangres. It is long past time to formally and legally set aside this magnificent area.

In concluding, let me underline our point of view that water is a defining characteristic of wilderness whether desert or alpine. For Outward Bound and me personally, the two are inextricably intertwined. I cannot imagine wilderness without a natural supply of water.

Thank you.

Sincerely,

Mark Udall

Mark Udall
Executive Director

MU:ag

11/6/89

John Lain
350 30th Street
Boulder, Co 80303

Dear Subcommittee on Pub Lands,

I am writing this letter in support of Senate bill 1343, the Colorado Wilderness bill.

As a resident of Colorado I have spent many pleasurable hrs. in the existing Wilderness Areas of Colorado, but increasingly these are becoming more & more crowded. I feel the reason for this is due to the lack of Wilderness areas in the state. This bill would still leave 94% of Colorado open to development, which seems very reasonable.

As a citizen of the Earth I believe that Wilderness has an intrinsic value all by itself. I believe in wilderness simply for the sake of wilderness, whether I will ever have the chance to enjoy a particular designated area or not.

I realize that not all people share these views, but I think this bill satisfies both environmentalists & developers. Water rights are protected for the Wilderness Areas, but they will be adjudicated in the state Water Courts.

Overall this bill is very satisfactory because it addresses the concerns of both sides of this issue. Colorado has gone for a long spell w/out having any new areas designated as wilderness, which is a real shame because it is one of the, if not the most, beautiful states in the nation.

Thank you,

1715 Ford Street
Golden, CO 80401
Oct. 31, 1989

Dear Senator Wirth:

We wish to express our wholehearted suppo
for your proposal to add 756,260 acres to Colorad
wilderness area through the Colorado Wildern
Bill. It is extremely important to all of us to preserve the beauty of Colorado and to keep more of it in its pristine state for enjoyment by us and by future generations. Thank you for your efforts.

Sincerely,

Margaret B. Rickard C. Harold Rickard

NOV 6 1989

NOV 1, 1989

DEAR SENATOR WIRTH,

We would like to express our unqualified support for your bill and - any others that would establish new wilderness AREAS in Colorado. We were unable to come to testify in person but we are totally in favor of more wilderness areas and are particularly pleased that some of the new areas will be close to where we live -- We live in the Huerfano Valley and spend time on Greenhorn Mountain and the east side of the Sangre de Cristo mountains - We hope you can pass Bill S 1343 as soon as possible.

Thank you for your efforts.

BOB DOWLING
DALE LYONS
P.O. BOX 215
GARDNER, CO
81040

Bob Dowling
Dale Lyons

NOV 1 1989

4500 19th st. #484
Boulder, CO 80304
October 26, 1989

Senator Tim Wirth
1129 Pennsylvania Ave.
Denver, CO 80203

Dear Senator Wirth:

Please add me as a supporter of your 1989 Wilderness Bill. I am unable to attend the Senate Subcommittee meeting this Saturday, so I'm compelled to write.

This past weekend I visited a Forest Service timber sale called Bowen Gulch near Granby. I was appalled to see a new road being punched into the wilderness. The untouched old-growth forest is slated for destruction. Trees hundreds of years old and five feet in diameter will be gone forever. The Forest Service keeps pushing new roads into roadless areas. There must be a limit to this destruction. That is why I support a Colorado Wilderness Bill. Areas that are not protected will be vulnerable to the greedy axe of the Forest Service and companies like Louisiana Pacific.

I know I don't need to convince you of the need for more wilderness areas; I want to urge you on to get our congressional delegation in agreement so it can act.

One area I feel strongly about is the Sandbench area next to the Piedra Wilderness Study area. It is another old growth forest I have visited & gather it could be on the chopping block soon. Please make sure it stays in your wilderness bill.

Thank you for your time and consideration.

Sincerely,
Steven M. Bortz

12080 Country Club, #C
Conifer, CO 80433

November 6, 1989

NOV 7 1989

Senator Tim Wirth
1129 Pennsylvania
Denver, CO 80203

Dear Senator Wirth:

I attended the hearing in Denver on your Wilderness Bill S1343 and found it most enlightening. As a hiker, I am in support of this bill.

As to arguments that there may be (although it has not been proven) a potential for mining and/or logging in some of the proposed areas, I say so what? Why do we always have to exploit and commercialize wherever there is a profit to be made? Why can't we just set aside a few special places because preserving them is just as valuable as developing them to us?

As to the concerns of off-road vehicle enthusiasts, I realize we must share our recreational areas with them. There should be places set aside where bikes, snowmobiles, ATVs, etc. are allowed for those who enjoy those activities. I want to know that there are some places where I can go and they can't. Part of the wilderness experience is the peace and quiet and absence of man-made noise and structures. There is enough space for everyone if we are willing to respect the rights of others.

As to concerns about setting a precedent on the water rights issue, it is only common sense that designating an area as Wilderness would be meaningless without water. I would like to see these headwater areas designated now. The complex issues of water rights on potential lowland Wilderness Areas can be handled as they arise and need not delay Wilderness designation of the areas outlined in S1343.

The most overwelming reason why this bill should be passed is that we, the people, want it.

Thank you for the opportunity to comment.

Sincerely,

Ruth Appleby

Ruth R. Appleby

WILDERNESS HEARING

TESTIMONY OF JOE SANDS

October 28, 1989

I'm Joe Sands, Summit County Commissioner. I'm here to endorse Senator Wirth's Wilderness bill. After careful study, I find it supportable in its entirety and with no reservations. Thank you.

Now that's the "cut to the lean" version...with your permission I'll expand on this:

1st/We on Summit's BOCC only endorse outside of County when it has the full endorsement of all three members; this bill doesn't, so I'm only speaking for myself.

2nd/I'm a friend of Senator Wirth but nobody's "yes-man"; I can find issues Tim and I disagree on, but this isn't one of them.

3rd/I certainly consider myself an environmentalist; but am not a fan of some of our environmental leadership at the State level. They did not ask me to speak. Quite frankly, they have mismanaged several specifics on Wilderness issues.

4th/So why am I here? Because as a local elected official, I'm concerned about the misinformation and blatant misstatements being made about this bill to local leaders. The real intent of much of this campaign is far removed from the issue in front of us, The Wirth Wilderness Bill.

Senator, I'm proud of this belt buckle showing my 11 years of employment in mining, my membership in the Society of Mining Engineers. Let's talk about mining in this Wilderness context. It is not an issue. These boundaries are not a problem.

I've been trained as a forest technician, I'm a believer in silviculture and Gifford Pinchot's Multiple Use Concept for some lands. It's not an issue. This Wilderness Bill's boundaries are not valid lands for these purposes.

The Water Rights argument? You have already heard enough on this today. Let me simply say the opponents' arguments against this are all wet.

I do want to emphasize that well-meaning public officials are against this bill because they have heard one side's version of what this is. They are honorable, respectable leaders who need to hear the rest of the story.

Mainly, I want to mention another side to the story...the good economics of Wilderness. It is not easy to formulate because it's not so much in direct cash outlays for equipment, food, etc., as it is in what the nation and world come to Colorado to expect us to preserve and protect. This image they have of the "Wild West" is reflected in our tourism economy, our overseas sightseers, and even our out-of-state investors. Wilderness is an economic investment in our tourism economy. Wilderness has been good to Summit County and this bill will continue this.

So in conclusion, what are the problems? The big problem is there are some interests using good people to fight this, when what they are really addressing is a political agenda in the future, or on other national issues Senator Wirth has been leading the charge upon. Let's get back to the specifics of the Wirth Wilderness Bill.

They are still objecting on Wilderness issues of olds. This is not your father's Wilderness Bill! This is the new generation!

Support it because it's good for the nation's public lands. It's great for Colorado's economy.

Joe Sands

453-2561, X352

468-5648

B. 1811 Dillon 80435

NOV 6 19

To Whom It May Concern:

I would like to go on public record as being in favor of Senator Wirth's proposed Wilderness Bill for Colorado. I believe his bill best suits our state, and is the most favorable and balanced approach to protecting our precious wilderness resources. I would encourage Senator Armstrong to show some enlightenment on the subject, and come to agreement with Senator Wirth on some sort of wilderness proposal, before our best opportunity to save these incredibly beautiful lands is lost. I commend Senator Wirth for his dedication to protecting our public lands in Colorado, and urge support for his wilderness proposal. Thank you.

Sincerely,

Ben Tiffany

October 24, 1989

Dear Senator Wirth,

I am unable to attend the Senate Subcommittee hearing, but I would like to express my feelings concerning the Wilderness Bill.

Like many people in Colorado and the nation, I am growing increasingly concerned with the protection of our wild lands and animals. Every year, I am more dismayed by development taking over wildlife habitat, destroying forest lands and altering water flows. We need to put aside more land in Colorado for preservation of our precious wilderness. I would like to see Colorado's wilderness area increased so that we will be able to enjoy the state's ecological diversity, wildlife and scenic beauty for generations to come.

I hereby express my support of the wilderness Bill S 1343 and wish to be included in the hearing record.

Sincerely.

Patricia B. Handrich

PATRICIA HANDRICH

Oct 30th, 1989

Dear Mr. Chairman,

I was unable to testify at the October 28th Senate Sub-committee hearing due to adverse road conditions over Rabbit Ears Pass. I would like to show my support for Senator Wirths Wilderness bill S/343.

I believe Wirths bill is a great compromise on the water rights issue, since it mainly deals with headwaters. There is no better way to protect this precious natural reasourse, which our state depends on so much.

I would once again like to express my support for Bill S/343. We need to protect Colorados wilderness, and the time is now.

Thank you,
Mike Arndt

Dear Mr. Chairman, 10/30/89

I signed up to testify for Senator Wirth's Wilderness Bill but was unable to travel to Denver due to adverse road conditions on Rabbit Ears Pass. I would like to go on record though as giving 100% support for Bill S 1343.

The plants + animals that inhabit our open lands cannot speak out for themselves + they deserve + need so badly this land. They, and we, need to have fresh pure headwaters because not far down the line the waters are dammed and polluted. I wish Senator Armstrong could see how important it is to preserve land and curb developing it. Must we overrun every last bit?

Please note my support for Senator Wirth's Bill S 1343. We are setting a great example for the rest of the Country.

Thank you -

Kelly S

Kelly Lawler

Bx 162
Estes Park, Co
80517

NOV 2 1989

Senate Subcommittee

Concerning; Bill 1343

I would go on record as supporting "bill 1343."

A. wilderness bill is long over due. The provisions in Senator Wirth' bill are very much needed not only in Colorado, but nation wide also

Please act & save our Wilderness now.

Sincerely.
Wanda Cowles
Conservation Chairman
Enos Mills Chapter
CMC

OCTOBER 31, 1989

Dear Senate Subcommittee,

I urge you to support Tim [illegible]h's Wilderness Bill ~~(S. 1[illegible]~~ (S. 1343). The 1989 Wilderness Bill is a brilliant effort to consider the interests of conservationists and water developers. Beautiful high country wilderness areas will be protected, while a process is set up to work out water rights conflicts for downstream wilderness areas.

Senator Armstrong has proposed a bill similar to S. 1343, but this bill will allow no water rights for wilderness areas. The idea that wilderness areas should be denied a water right is absurd. Wilderness does not consume water; it guarantees a continuous flow of pure water so that it can be used by humans at the wilderness boundary. Since the wilderness cannot survive without water, the Wilderness Bill is essential for the survival of the wilderness. Thank you for your time and Please let me know how you stand on this issue.

Sincerely yours,

Michael Lin

Michael Lin
2438 10th ST.
Boulder, CO 80302

NOV 1 1989

October 30, 1989

To: Senate Subcommittee on Public Lands,
National Park and Forests

I write to express my support for S. 1343, Senator Wirth's Wilderness Bill for Colorado.

The areas that would be designated as Wilderness are fully deserving of that designation. I have visited five of the areas.

I am especially impressed with, and fully support, the language and intent of the Bill to address with reason and balance the concerns over water development and protection.

Sincerely,

Richard Reynolds

Richard L. Reynolds
Box 331
Eldorado Springs, CO 80025

MICHAEL EDESESS

624 Conifer Drive
Evergreen, Colorado 80439
(303) 674-6323

NOV 1 1989

October 31, 1989

The Honorable Timothy E. Wirth
1129 Pennsylvania Street
Denver, Colorado 80203-4640

Dear Senator Wirth:

Enclosed is the complete text of my comments in support of your wilderness bill. I was not able to stay to deliver them at the hearing on Saturday.

Sincerely,

Michael Edesess

Enclosure

My name is Michael Edesess, and I live at 624 Conifer Drive in Evergreen.

Wilderness is nature's basic research laboratory. Its unfettered operation over hundreds of millions of years has produced all the assets upon which our modern civilization is based.

Now, some people would like to shut down that research operation. They believe that all of the discoveries have already been made, all of the inspiration has been gained. It remains only to work out the details of exploiting that knowledge.

But the evidence is against this view. The pace of discoveries and inspirations deriving from nature has been accelerating in recent decades, not winding down.

In industrial corporations, there is constant pressure to eat into the budgets of research departments, to provide more resources for development and production. But the wise manager knows that curtailing basic research would limit development and productivity in the long run.

Similarly, there is constant pressure to eat into wilderness. But its loss would limit our development in the long run.

Far-sighted development interests should wish to nurture basic research, because from it, new and better development paths will arise.

Similarly, far-sighted development interests should wish to nurture wilderness, because it is our most fundamental reservoir of new ideas and discoveries.

That is why I believe it is very important to pass the legislation under consideration preserving wilderness. If we were to give in to the pressure to use up wilderness for the sake of short-term development, wilderness would in fairly short order be gone.

How much would we thereby gain--expressed, say, as a percentage increase in the immediate human carrying capacity of the developed world? Not very much. But how much would we lose in future possibilities? A very great deal, I think.

NOV 1 1989

Peter Stout
14 Chey
Boulder, CO 80310

Dear Sub-Committee Members,

I am writing in support of Senator Tim Wirth's Colorado Wilderness Bill (number S-1343). Aldo Leopold said in the introduction to the Sand County Almanac:

> "Like winds and sunsets, wild things were taken for granted until progress began to do away with them... For us, the opportunity to see geese is more important than television, and the chance to find a pasque-flower is a right as inalienable as free speech."

Not only is it aesthetically pleasing to retain wilderness areas (and their water), it is a wise move for our future to preserve the habitat in which we live in.

Sincerely,

Peter Stout

NOV 1 1989

Complete testimony for the Senate Subcommittee on Public Lands hearing on Senator Wirth's Wilderness Bill

Submitted October 30, 1989

Senator Wirth,

Thank you for holding this hearing in Denver, and for allowing us to speak.

My Name is Kurt Menning and I am a director of the University of Colorado Wilderness Study Group. We have about 50 active members and have received tremendous support this year in our our campaign for your wilderness bill.

I'd like to begin by putting things in perspective. John McPhee, a well known writer, says that if you stretch your arms out end to end, and that represents all of Earth's history, then all of human history is contained in the furthest ridge of a single fingerprint on one hand. Human civilization on Earth is relatively new. Several hundred years ago wilderness stretched from coast to coast; there was nothing but wilderness. Now we have less than 6% of our lower forty-eight states as roadless areas and only 1.4% protected as wilderness. Considering the exceedingly short time in which this has happened, metaphorically a ridge on a fingertip, it is utterly absurd to NOT protect more wilderness right now.

Periodically the issue of restrictions on wilderness protection arises. Some claim that in times of "need" water and other resources should be open for removal from wilderness areas. This concept of restricting protection is really just an anti-wilderness position, since the claim is that we should protect wilderness until we need to extract its contents. What is need? The existing ecology needs water just as much, if not more than, humans do. After all, we are extremely opulent and wasteful, whereas nature already conserves. The idea of wilderness is not to preserve just until it is inconvenient--that is not protection--the idea is to protect wilderness for the long run, to recognize that the value of wilderness is independent of human utility. Wilderness has existed for billions of years. Will we sweep in, eliminate 98% of it, and then protect the remaining scraps only until it is inconvenient? How absurd!

Your wilderness bill, Senator Wirth, threatens no one's water rights. There is no conflict in this carefully crafted bill that identifies only headwater areas. How can anyone of sane mind object? So, with this in mind, keeping our place on Earth in perspective, I ask, by what right can we NOT protect wilderness? The decision to destroy an ecosystem is forever; the decision to protect what we have is the least we can do. Thank you.

Kurt M. Menning
Director, University of Colorado Wilderness Study Group
18 South 31st St
Boulder, CO 80303

Testimony on Senator Wirth's Wilderness Bill

Jim Maucker
4600 E. Louisiana
Denver, CO 80222

OCT 31 1989

10-27-89
cc: Senator
Armstrong

Dear Senator Wirth,

I am a member of the Colorado Off Highway Vehicle Coalition (COHVCO).

I am opposed to the following areas being placed in Wilderness status as proposed by Senator Wirth's Wilderness Bill:

1. American Flats
2. Davis Peak
3. Fossil Ridge
4. Lost Creek
5. OH-BE-JOYFUL
6. Vasquez
7. St. Louis Peaks
8. Sangre de Cristo
9. Wheeler Geologic

I wish to elaborate on my opposition to Wilderness status for all portions of the Sangre de Cristo Wilderness Study Area.

I have ridden motorcycles on almost all of the trails and four-wheel drive roads currently open to motor vehicles in the Sangre de Cristo area.

James V. Mauchler

10-27-89
page 2

These are good, tough, challenging, fun trails and roads.
They have been used for motorized recreation by generations of bikers and jeepers.
I have ridden this area with friends ranging from 14 years old to 50+ years old.
I have met bikers in their twenties who have ridden this area since childhood - their grandfathers helped build these trails.
We have ridden from Medano Pass in the south to north of Hayden Pass, including much of the Rainbow Trail, Comanche Trail, South Colony road, Lake of the Clouds trail, and others - all of which are multi-use routes, open to motor vehicles.
When we ride this area we spend money for food, gas, and other commodities in such communities as Walsenburg, Westcliffe, Silver Cliff, Wetmore, Florence, Canon City, Cotopaxi, Coaldale, and Salida.

The Sangre de Cristo area was developed for multiple-use and is appropriate for multiple-use, not for Wilderness.

James N. Maucker

10-27-89
page 3

Following are elaborations of opposition to Wilderness status for some other areas.

1. Davis Peak -
There are many multiple-use trails here long used by individual motorcyclists. The Steamboat Springs area riders lost the Timberline Enduro, a competitive motorcycle event held under the auspices of the Rocky Mountain Enduro Circuit for many years. These activities also contribute to the economies of towns like Clark.

2. Fossil Ridge -
There are excellent multiple-use trails open to motorcycles in this area. I have plans to ride these trails in the near future.

3. Lost Creek -
The Pike National Forest is heavily used by all varieties of users. - Every time I pass through any portion of the Pike I am fascinated and thrilled by its beauty and uniqueness. The presence of motor vehicles does not degrade it. The Pike National Forest is especially valuable to Front Range people because they are close to it. Let us not shut down access to Lost Creek or any other part of the Pike.

James N. Mauckler
10-27-89
page 4

4. Vasquez and St. Louis Peaks —
Logging roads in these areas afford
excellent riding for both motorcyclists
and mountain bikers as well as
a good place to go for 4-wheel drivers.

With regard to American Flats,
OH-BE-JOYFUL, and Wheeler Geologic
areas I am in agreement with COHVCO's
opposition to Wilderness status.

2522 Dexter Street
Denver, Colorado
80207
October 31, 1989

Honorable Tim Wirth
U.S. Senator
1129 Pennsylvania St.
Denver, Colorado 80203

NOV 3 1989

Dear Senator Wirth:

We are writing in support of Senate bill S. 1343 authorizing placement of approximately 750,000 acres of Colorado land into the National Wilderness Preservation System. These lands deserve protection now for their undisturbed, natural qualities that will not remain without such protection. They represent the essential values for which the Wilderness Act was created.

The bill adequately addresses wilderness reserved water rights issues which have held back previously deserving legislation. In particular it does so by specifying inclusion of upstream regions that do not directly involve downstream water rights questions. These deserving lands should no longer be held hostage to these issues.

Please add our statement in support of S.1343 to the Senate Public Lands, National Parks and Forests Subcommittee hearing record.

Sincerely,

Carla Slatt-Burns

Kenton L. Burns
Carla Slatt-Burns

October 27, 1989

COMMENTS OF MARTHA M. EZZARD, ATTORNEY, FORMER COLORADO STATE SENATOR AND SPONSOR OF 1986 COLORADO INSTREAM FLOW LEGISLATION[1]

I support Senator Tim Wirth's wilderness legislation and commend him for carving boundaries which designate only headwaters areas. I am only one of a number of Colorado politicians who have attempted over the past five years to find some accommodation to the increasingly polarized positions of the water development and environmental communities over wilderness water rights. I appreciate the inclusion, therefore, of a mechanism in S. 1343 for the evaluation of the water rights issue for possible future wilderness in downstream areas.

Although the 1986 state legislation I sponsored garnered the support of interests as diverse as Colorado Trout Unlimited and the Colorado River Water Conservation District, I never pretended that it was a solution to the wilderness water issue by itself. But it still provides a model for the negotiations that are sure to continue with respect to downstream designations -- a model which I would suggest to this subcommittee is a viable one for solving the wilderness water issue for many western states. That model entails the utilization of the state instream flow programs, where they are viable, as the "preferred" method of designating wilderness water, backed up by federal rights.

The 1986 law mandates that the Colorado Water Conservation Board, which has since 1973 appropriated minimum stream flows for thousands of miles of Colorado streams and hundreds of Colorado lakes, solicit specific recommendations from the Department of Interior and the Department of Agriculture for instream flow to protect wilderness areas or for other environmental purposes. If used creatively and aggressively by the Water Conservation Board, the state legislation would also allow the Board to acquire water rights for wilderness preservation by grant, purchase, lease, exchange or contractual arrangement. That means, at the state level, there is actually an avenue for the Water Conservation Board to acquire senior rights if needed for instream flow where a junior right might not be adequate.

1/ Submitted as written testimony only.

In summary, my message to this subcommittee and to the people of Colorado can be simplified into two basic points:

(1) Although there may be some who will say that the successful 1986 legislation I sponsored means there is no need for federal reserved water rights for wilderness in Colorado, I believe that is an inaccurate statement. The value of preserving our wilderness areas today is far too important not to include some sort of safety net in the form of a federal backup should the state instream flow rights prove insufficient. But, if federal legislation could in some way confirm that utilizing state instream flow laws is the "preferred" method for designating wilderness water rights, I believe more cooperative federal-state relations on the issue would ensue.

(2) The Colorado legislature still has the opportunity to further strengthen Colorado's instream flow laws by adding some state enforcement mechanism to the designation and preservation of instream flows for environmental purposes, thereby assuring justifiably skeptical environmentalists that Colorado is serious about protecting the environment under its own state law.

I commend Senator Tim Wirth for breaking the stalemate with a very reasonable wilderness proposal in S. 1343 and urge your support of it.

STATEMENT

OF

CHARLES B. WHITE

CONCERNING S. 1343

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

DENVER, COLORADO

OCTOBER 28, 1989

Mr. Chairman and Members of the Subcommittee: My name is Charles B. White. I am a practicing water and public lands lawyer with the firm of Brownstein Hyatt Farber & Madden in Denver, Colorado. For the past several years, I have served on the wilderness water negotiating team in an effort to reach a consensus on reserved water rights for Colorado wilderness areas. I appreciate very much the opportunity to appear before you today and present my views concerning the water rights language of S. 1343.

I would like first to comment on the extreme rhetoric and hyperbole with which certain members of the water development community have responded to this bill. Attached to my remarks is an "Analysis of Senator Wirth's Wilderness Bill with Regard to Colorado Water Rights" which was prepared on September 25, 1989, by a member of the "water rights" negotiating team. The author of this document has distorted the plain meaning of the bill in an attempt to convince water users to oppose new wilderness designations in Colorado. Unfortunately, it would take more than the five minutes allotted to me to unravel the artful innuendo which has been carefully built into this document. However, a few examples will make my point:

*** Paragraph 1: "For the first time in history". This language suggests that Congress has never expressly created reserved rights in Colorado. This statement ignores the holding of the Colorado Supreme Court in United States v. City and County of Denver, 656 P.2d 1

(Colo. 1983) that "the United States possesses reserved rights for its federal reservations in Colorado in waters unappropriated upon the date of reservation of the federal lands from the public domain, and in the amount necessary to achieve the primary purposes of the reservations". I am sure that this Subcommittee will also recall the recent designation of the Cache LaPoudre Wild and Scenic River, which expressly recognized the reservation of waters in the Poudre River under the Wild and Scenic Rivers Act.

*** Paragraph 1: "Expressly override the Colorado water rights system". This language suggests some dissatisfaction on the part of the water rights negotiating team that the reservation of waters in this bill is express, rather than implied. This apparent change of heart is very disquieting, since we spent two years negotiating express reservation language precisely because the water development community insisted that no implied reservation of water would ever again be acceptable.

*** This paragraph also criticizes the bill for overriding the Colorado water rights system by "creating federal water rights" in disregard of "present Colorado law" that only the Colorado Water Conservation Board may hold a minimum streamflow water right. Given the severe limitations of Colorado's instream flow program, which allows only the CWCB to hold these rights, and only for the purpose of protecting the minimum flows necessary for survival of a cold-water fishery, Congress has no choice but to create a federal right in order to protect wilderness values. However, this is nothing new, as evidenced by the considerable variety of reserved water rights which Congress has created in Colorado and the other United States. See the holding in United States v. Denver, which is noted above, and the United States Supreme Court cases analyzed in that opinion which affirm congressional power to override state law when necessary to accomplish federal policies or programs. This critique of the bill is really a throwback to the "sagebrush rebellion" and a simplistic appeal to those who believe the federal government should have no power to manage public lands. We could have saved a great deal of time and effort in our attempts to negotiate a compromise bill had we known that this state's rights emotionalism, rather than a pragmatic concern for protection of existing water users, was controlling our agenda.

*** Paragraph 1: "For the purpose of preserving all flows in affected Colorado streams". This phrase suggests that S. 1343 expressly reserves all of the water which is found within the headwater wilderness areas designated by this bill. As I read Section 201(b)(1) of the bill, the United States would reserve only "a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act". Under Section 201(b)(3), this quantity would be determined by Colorado water courts in accordance with the provisions of the McCarren amendment, and all water users would have the opportunity to participate in that process.

*** Paragraph 3 of the attached manifesto states that the bill would require the federal government to oppose all future water rights applications which could affect a wilderness area. With due respect to the author of this language, this is a flat misrepresentation of the language and effect of the bill and existing law regarding the discretion of the Department of Justice as to whether to oppose competing water rights applications. See, e.g., Sierra Club v. Block, 615 F.Supp. 44 (D.Colo. 1985).

*** The following paragraphs of Exhibit A get to the heart of the water developers' opposition to this bill: Paragraph 4 states, without qualification, that the water rights provisions of S. 1343 "apply not only to" the lands designated in this bill, but also to the "nearly 2 Million acres which have previously been designated as wilderness in Colorado". Subsequent sections allege that the bill "creates a precedent for creating federal wilderness water rights in downstream areas" (Paragraph

> 5), and "would deliver a complete water rights victory to the Sierra Club" in the existing wilderness water rights litigation (Paragraph 6). In my view, these interpretations of S. 1343 do not even pass the "red face test". Section 201(a)(8) sets forth the finding of Congress that this Act "is not intended to determine the existence or scope of any express or implied reserved water rights created in or arising from other federal legislation". The only exception relates to the existing North Platte wilderness area, in which the bill accedes to the demands of water users that Congress expressly protect water development on the North Platte River from any limitation as a result of the previously designated North Platte wilderness area. Moreover, Section 201(b)(7) plainly eliminates any precedential value of this bill in future wilderness legislation.

In my view, the real basis for opposition to the water rights provisions of S.1343 has nothing whatsoever to do with the reserved water rights which would be created within the areas now proposed for designation. Senator Wirth has carefully eliminated from this bill conflicts with existing water users and has acceded to the demands of the water rights negotiating team that any reserved rights be expressly created, have a junior priority date as of the date of enactment by Congress, be adjudicated in state water court, and not alter or modify any interstate compact or equitable decree allocating water to the State of Colorado. Certain members of the water development community are, rather, holding the 800,000 acres of headwaters wilderness included in this bill hostage in order to achieve victory as to reserved rights for future downstream wilderness study areas and the existing Holy Cross wilderness area. Senator Wirth's bill is carefully crafted so as not to affect the position of any party on these issues, reserving that fight for another day. I urge the Subcommittee to focus on the merits of the wilderness areas which are before it in S. 1343, recognizing the care with which this bill has avoided any conflicts with existing water uses and acknowledged the concerns of the water development community about other wilderness legislation.

SEP 26 1989

PREPARED FOR THE WATER RIGHTS
NEGOTIATING TEAM SEPTEMBER 25,
1989 BY GREG HOBBS

ANALYSIS OF SENATOR WIRTH'S WILDERNESS BILL WITH REGARD TO COLORADO WATER RIGHTS

IF ADOPTED BY CONGRESS, SENATOR WIRTH'S WILDERNESS BILL WOULD ENACT FAR REACHING CHANGES ADVERSELY AFFECTING COLORADO WATER RIGHTS, IN THE FOLLOWING WAYS:

1. FOR THE FIRST TIME IN HISTORY, THE WIRTH BILL WOULD HAVE CONGRESS EXPRESSLY OVERRIDE THE COLORADO WATER RIGHTS SYSTEM BY CREATING FEDERAL WATER RIGHTS FOR THE PURPOSE OF PRESERVING ALL FLOWS IN AFFECTED COLORADO STREAMS. UNDER PRESENT COLORADO LAW ONLY THE STATE WATER CONSERVATION BOARD MAY HOLD AN INSTREAM FLOW WATER RIGHT.

2. THE FEDERAL WATER RIGHT CREATED BY THE WIRTH BILL WOULD BE QUANTIFIED AS GIVING THE FEDERAL GOVERNMENT A PRIORITY AS OF THE TIME OF WILDERNESS DESIGNATION FOR ALL WATER WHICH ARISES UPON, UNDER, OR ENTERS INTO A WILDERNESS AREA. UNDER PRESENT COLORADO LAW, THE STATE WATER CONSERVATION BOARD CAN APPROPRIATE INSTREAM FLOWS ONLY FOR THE PURPOSE OF PRESERVING THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. THE STATE BOARD HAS HISTORICALLY EMPLOYED A SCIENTIFICALLY BASED QUANTIFICATION TECHNIQUE DESIGNED FOR COLD WATER FISHERIES. THE WIRTH BILL WOULD ESTABLISH A WATER RIGHT IN THE FEDERAL GOVERNMENT TO ALL WATER IN THE AFFECTED STREAMS, WHETHER OR NOT IT IS NECESSARY FOR FISH.

3. THE WIRTH BILL WOULD REQUIRE THE FEDERAL GOVERNMENT TO OPPOSE IN COURT, ADMINISTRATIVE PROCEEDINGS, ANY PERMIT APPROVAL PROCESSES, ANY FUTURE COLORADO WATER APPROPRIATIONS, EXCHANGES, AUGMENTATION PLANS, SUBSTITUTE OR REPLACEMENT ARRANGEMENTS, OR ANY CHANGE FROM CONDITIONS AFFECTING WILDERNESS AREAS DIFFERENT FROM THOSE WHICH EXISTED AT THE TIME OF WILDERNESS DESIGNATION.

4. THE WIRTH BILL WATER PROVISIONS APPLY NOT ONLY TO THE NEARLY 800,000 ACRES OF ADDITIONAL WILDERNESS LANDS WHICH WOULD BE DESIGNATED IN COLORADO BUT ALSO TO THE NEARLY 2 MILLION ACRES WHICH HAVE PREVIOUSLY BEEN DESIGNATED AS WILDERNESS IN COLORADO UNDER THE 1964 FEDERAL WILDERNESS ACT. THIS COULD AFFECT THOUSANDS OF EXISTING AGRICULTURAL AND MUNICIPAL WATER RIGHTS WHICH EXIST IN PRESENT WILDERNESS AREAS.

5. THE WIRTH BILL CONTAINS AN EXPRESS FINDING THAT WILDERNESS AREAS UNDER THE 1964 FEDERAL WILDERNESS ACT ARE ENTITLED TO A FEDERAL WATER RIGHT WHEREVER THEY ARE LOCATED, WHETHER AT THE TOP OF THE WATERSHED OR DOWNSTREAM. IN ADDITION THE WIRTH BILL CREATES A PRECEDENT FOR CREATING FEDERAL WILDERNESS WATER RIGHTS IN DOWNSTREAM AREAS BY ESTABLISHING A

FEDERAL WATER RIGHT ON THE NORTH PLATTE RIVER AT THE COLORADO/WYOMING STATE LINE.

6. THE WIRTH BILL WOULD DELIVER A COMPLETE WATER RIGHTS VICTORY TO THE SIERRA CLUB IN A LAWSUIT WHICH THE SIERRA CLUB FILED IN 1964 AND WHICH IS BEING FOUGHT BY THE UNITED STATES, THE COLORADO WATER CONSERVATION BOARD, THE COLORADO WATER CONGRESS, THE COLORADO FARM BUREAU, THE COLORADO CATTLEMEN'S ASSOCIATION, THE MOUNTAIN STATES LEGAL FOUNDATION AND OTHERS. THE LAWSUIT IS CURRENTLY AWAITING ORAL ARGUMENT AND DECISION BY THE UNITED STATES COURT OF APPEALS IN DENVER.

7. THE WIRTH BILL DOES NOT CONTAIN A PROVISION WHICH WOULD EXPRESSLY PROTECT THE RIGHT OF WATER RIGHTS OWNERS TO REPAIR, MAINTAIN OR REPLACE WATER FACILITIES WHICH EXIST IN WILDERNESS AREAS.

8. THE WIRTH BILL DOES NOT EXPRESSLY PRESERVE AND WOULD LIKELY ABROGATE THE AUTHORITY OF THE PRESIDENT OF THE UNITED STATES TO ALLOW WATER FROM WILDERNESS AREAS IF NECESSARY TO MEET A DROUGHT EMERGENCY OR SOME OTHER OCCASION WHICH THE PRESIDENT DETERMINES TO BE IN THE PUBLIC INTEREST.

9. THE WIRTH BILL DOES NOT CONTAIN A PROVISION WHICH WOULD EXPRESSLY REAFFIRM THE WATER RIGHTS PROTECTIVE LANGUAGE CONTAINED IN PRIOR COLORADO WILDERNESS LEGISLATION.

10. THE WIRTH BILL COULD SERIOUSLY JEOPARDIZE COLORADO'S ABILITY TO MANAGE ITS WATER RESOURCES FOR A WIDE VARIETY OF BENEFICIAL USES AND HINDER THE STATE IN FULLY DEVELOPING WATERS APPORTIONED TO THE STATE UNDER INTERSTATE WATER COMPACTS AND EQUITABLE APPORTIONMENT DECREES.

11. THE WIRTH BILL VIOLATES EVERY ONE OF THE SIX WATER PRINCIPLES FOR A WILDERNESS/WATER RIGHTS COMPROMISE ADOPTED BY THE EIGHT WATER RIGHTS TEAM NEGOTIATORS APPOINTED BY SENATORS ARMSTRONG AND WIRTH. THOSE SIX WATER PRINCIPLES ARE ATTACHED AND SERVE AS THE BASIS FOR WATER LANGUAGE IN A WILDERNESS BILL WHICH SERVES ALL CITIZENS OF COLORADO NOT JUST THOSE INTERESTED IN WILDERNESS PURPOSES. A CRITIQUE OF THE WIRTH BILL IN A LETTER TO CONGRESSMAN CAMPBELL IS ATTACHED. A LISTING OF THE WATER RIGHTS TEAM NEGOTIATORS AND WHO THEY REPRESENT IS ALSO ATTACHED.

Statement for Hearing - Senate Bill 1343

by Theodor R. Swem, Evergreen, Colorado

Mr. Chairman: It was impossible for me to be present to give my testimony. I hope, therefore, that it can be made a part of the Hearing Record as I have some views on the subject that the Committee is considering.

I strongly support Senator Tim Wirth's Colorado Wilderness Bill - S. 1343 - as introduced [redacted] in the U.S. Senate earlier this year. It is an important step towards protecting more of the outstanding wildlands of this beautiful State. I commend Senator Wirth for moving ahead on this matter and I hope that Congress will enact this or similar legislation during this Congress.

I am not new to wilderness. Since the 1940's, I have been actively involved with the wilderness movement, both as a user but also in encouraging action to set aside wilderness in this country. From 1962 to 1986, I served on the Board of The Wilderness Society and today serve as its Honorary President, a recognition of great importance to me.

My wife and I live in the mountains four miles from the boundary of the Mount Evans Wilderness Area, which was established in 1980. We usually visit this Area two or three times a year. Several other Wilderness Areas were established in Colorado at that time but we knew then, as we know now, that there were still many other areas in the State that qualified for Wilderness designation and warranted that protection.

I have visited many of the designated Wilderness Areas in Colorado and some of those proposed for protection under Senator Wirth's bill. From what I know through personal experience and what I have learned from others, the areas either warrant protection on their own or make logical additions to already established Wilderness. I am disappointed that he thought it necessary to leave the Piedra wilderness out of his bill but I understand the reasons why. It is far more important to move ahead with the other designations now and identify the Piedra for further study, than to continue with additional delay while trying to resolve the water issue.

Along with millions of others, I continue to be thankful to the Congress of the United States for passage of the Wilderness Act in 1964. It is appropriate that a quarter of a century later, you are meeting in Denver to consider further additions to the Wilderness System in the context of the 1964 legislation.

Another anniversary of note and one more directly related to Colorado involves a meeting held in Denver in December of 1919 - some seventy years ago - between two Forest Service employees, one the now well known Aldo Leopold of Albuquerque, the other Arthur Carhart from Denver. Based on their different experiences, they agreed that certain areas on the National Forests because of their wildness and aesthetic value should be protected from development. Their accord created incentive, particularly on Leopold's part, to push for wilderness designations on National Forest land. Both, I am sure, if alive today would be pleased to know of Senator Wirth's proposal, and just how far their thinking and that of those wilderness supporters who followed them, has evolved. And having known one of them and read many of the writings of the other, Aldo Leopold, I can assure you that both would arise from their graves in horror if they knew that there are some who believe flowing water is not a basic and integral part of wilderness and could and should be separated from it. We definitely do not want Wilderness compromised or made second class - we must always maintain its true essence.

Colorado needs more Wilderness. We will never end up with the Wilderness acreage of Alaska or perhaps even that of Idaho or Montana, but that to me is not important. What we do need is to protect in the Wilderness System, the Federal public lands that qualify for Wilderness designation. And it is obvious, that with continuing pressures for development in this State - already the most heavily developed State in the Rocky Mountain Region - and with a long term increasing population - somewhat slowed for the moment - we need to protect as much wildland as possible to assure that resident and visitor alike will have enough places to go for quality wilderness experience. And it is very important that we provide them that opportunity. I personally believe, as we look ahead to the future of this State, we could never have enough Wilderness to satisfy the needs and desires of our residents and visitors - the latter being particularly important to the State's economy.

One further observation - I spent the first several years of my life in a midwestern State that many considered a "have-not" from the standpoint of natural values. Because of that, the citizens embarked early on a broad program of conservation since they recognized the necessity of taking full advantage of what they had. Colorado has been so blessed with an abundance and variety of natural values that we haven't stopped to realize what we have lost and are losing through development, much of it poorly planned and destructive of our environment. Obviously, development will continue although hopefully under better controls.

We must, therefore, think and act ahead to assure that the best in this State, including the best of our public lands, is protected for resident and visitor and for present as well as all future generations. Setting aside more wilderness is just one part of a needed grand scheme for Colorado's tomorrow - - - but such an important part.

I urge you to act favorably on S. 1343."

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building, 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

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Arthur Andersen & Co

November 2, 1989

The Honorable Timothy E. Wirth
United States Senate
380 Russell Senate Office Building
Washington, D.C. 20510-0603

NOV 3 1989

Colorado Wilderness Act of 1989
S.1343

Dear Senator Wirth:

On behalf of the Colorado Mining Association (CMA), I am pleased to enclose the following items for your review and files:

- o Testimony presented by CMA before the Senate Public Lands Subcommittee of the Senate Energy and Natural Resources Committee on the Colorado Wilderness Act of 1989, S.1343, in Denver Colorado, on October 28, 1989.
- o Resolution Concerning Water Rights for Wilderness Areas.
- o Resolution In Support of Multiple-Use of the Public Lands.

We trust you will find these documents useful and informative.

Sincerely,

COLORADO MINING ASSOCIATION

David R. Cole
President

DRC:ak
mu/10

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building. 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

Testimony on the 1989 Colorado Wilderness Act of 1989
S-1343

Presented by

John Henderson
Chairman, Wilderness Subcommittee
Colorado Mining Association

Before the

Senate Public Lands Subcommittee
Senate Energy and Natural Resources Committee

October 28, 1989
Denver, Colorado

Mr. Chairman:

On behalf of the Colorado Mining Association, I am pleased to submit comments. This bill relates to the designation of up to 19 new proposed wilderness areas in the State of Colorado.

The Colorado Mining Association (CMA), established in 1876 and incorporated in 1897, is a trade association whose membership, numbering 130 companies and 1,200 individuals, is composed of both small and large enterprises engaged in the exploration for, production and refining of, metals, coal, oil shale and industrial minerals; firms that manufacture and distribute mining and mineral processing equipment and supplies; and other institutions serving the mineral industry.

The Colorado Mining Association speaks not only with the voice of its members, but with the voice of hundreds of individuals and large and small mining companies who are unable to stand the time and the expense to testify on this proposed legislation.

Our comments will reflect the declared policy of the Colorado Mining Association that it is imperative for the survival of our domestic minerals industry and our nation that those exploring for minerals be allowed the right to access to the public lands. This is particularly important in this case, since many of the areas proposed for wilderness designation appear to have a high to moderate potential for future discoveries of economic quantities of minerals. Many of thse areas are already the focus of significant mining activity including exploration, and past discoveries of minerals in areas with high mineral potential.

Colorado's mining industry continues to make a significant contribution to Colorado's economy. According to the Bureau of Mines, U.S. Department of the Interior, preliminary figures show that the value of nonfuel minerals produced in Colorado in 1988 was $374.9 million. Coal production was valued in excess of $300 million. Mining employment was estimated to be 5,100 in 1988, up from 4,900 in 1987, according to the Colorado Department of Labor and Employment. New gold projects account for most of the slight increase in nonfuel mining employment. It is important to note that more than 50% of the U.S. gold production is by two to three dozen companies of local, national, and international standing whose headquarters or major offices are in the Denver metropolitan area. These headquarter offices offer hundreds of additional jobs further helping to support Colorado's economy. A more detailed overview of Colorado is attached to this statement.

Preliminary Comments

The National Materials and Minerals Policy Research and Development Act of 1980, 30 U.S. Code 1601, states that the availability of materials is essential for national security, economic well-being, and industrial production. In line with this, it has been the policy of the Colorado Mining Association to encourage government agencies to assure maximum accessibility of the public lands to mineral exploration and development.

The stark reality of the situation is that few areas of the public lands have been thoroughly investigated. The United States Geological Survey has prepared extensive reports on a number of the areas indicating their high to moderate mining potential. Still, this is no substitute for actual exploration of these areas. We have reached a grim state of affairs indeed if potential wilderness areas are to be designated for the mere fact that they have high to moderate mineral potential. It is an unfortunate fact that a number of the areas proposed for wilderness designation have been so proposed for primarily political purposes; the areas are named because of their proximity to active producing mines or areas actively being explored or currently the subject of mineral claims.

The Colorado Mining Association challenges the implicit assumption that wilderness designation is the only way to "protect" various areas of the state of Colorado from "development". Many of these lands have been subject to multiple use management for many years, without any of the catastrophic adverse affects which are predicted unless wilderness designation is completed. The Colorado Mining Association also challenges the assumption that any form of economic activity on the public lands is some form of nameless evil. The systematic exploration of the public lands for valuable minerals is an economic necessity for this nation; it is further an economic necessity for those communities whose well-being is dependent upon a thriving and active natural resources industry including mining, timber harvest, ranching and recreation. Each area needs to be examined carefully based on its own merits, not in a climate of strong emotional bias. It is our hope that the Association and its members will be consulted with regard to their knowledge concerning the mineral environment of all proposed wilderness areas.

The Colorado Mining Association is opposed to the creation of a federal reserved water rights for all wilderness areas as proposed in S.1343. Attached is a water rights resolution adopted by the Colorado Mining Association which further details our position.

Buffalo Peaks, Sec. 101(1)

The Buffalo Peaks Wilderness Study Area appears to have significant mineral potential in a number of areas. There are a number of historic mining districts in the area, and drilling and exploration have been carried out by Noranda, Exxon, and a number of other operators. Drilling and exploration were primarily for uranium, base metals, and precious metals.

This area has been recommended as unsuitable for inclusion in the National Wilderness Preservation System by the Forest Service.

The Colorado Mining Association supports the recommendation of the Forest Service that Buffalo Peaks not be designated as a wilderness at this time.

Fossil Ridge, Sec. 101(4)

All indications are that the Fossil Ridge area has extremely high mineral potential; this area is very favorable for several types of mineral deposits. Widespread uranium anomalies exist in the area; large substantiated gold and silver potential exists throughout the Fossil Ridge Wilderness Study Area and the southeastern portion along Gold Creek and the northeastern section near Cross Mountain to Cameron Mountain. Gold silver, lead, zinc, and copper production has come from five major and many smaller mines in those areas.

The Forest Service has recommended that the Fossil Ridge Wilderness Study Area is unsuitable for inclusion in the National Wilderness Preservation System. The fact that 555,000 acres of wilderness in the Gunnison River Valley exists in the immediate vicinity makes it clear that no additional wilderness is needed in this area. There appear to be no biotic species needing the wilderness environment for survival, and no unique land forms or ecosystems. The Colorado Mining Association echoes the Forest Service recommendation that this area not be designated as wilderness.

Greenhorn Mountain, Sec. 101(5)

Moderate mineral potential exists in the northeast section. Tungsten mineralization is likely to be present in the Wilderness Study Area due to evidence of tungsten, plus barium and rare earth minerals in the area draining into South Apache Creek. Uranium and thorium occurrences to the south indicate that such occurrences are likely to extend northward into the wilderness study area.

The Forest Service has recommended this area as suitable for wilderness designation. The Colorado Mining Association believes that approximately 7,000 acres in the northeastern area of the proposed Wilderness Study Area should be omitted for consideration because of the high potential for minerals in the area.

South San Juan, Sec. 101(11)

The Colorado Mining Association is particularly concerned with the potential designation of the South San Juan Wilderness Study Area because active exploration, including claim staking and drilling, is taking place in the northwestern portion of the wilderness study area, particularly surrounding Montezuma Peak. Mineralization in districts surrounding the Wilderness Study Area is similar to that in the Wilderness Study Area, which has a great potential for further gold, lead, zinc, and silver discoveries. There appears to be a significant potential for large discoveries of buried porphry deposits of copper and/or gold. There further appears to be a geologic implication that oil and gas reserves may extend into the southern portion of the wilderness study area.

The Forest Service has recommended that this area is unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in strong agreement with the Forest Service that this entire area is unsuitable to be designated as wilderness.

Piedra, Sec. 301(1)

The Piedra Wilderness Study Area contains vein deposits favorable to uranium, silver, zinc, and lead. The potential for uranium mineralization in economic quantities, particularly, appears to be high.

The Forest Service has recommended that this area is suitable for wilderness designation. The Colorado Mining Association recommends the consideration of exclusion of those areas indicating the highest potential for vein deposits of uranium and other minerals.

Sangre de Cristo, Sec. 101(9)

The Sangre de Cristo Wilderness Study Area is comprised of 217,832 acres. This 70-mile long area encompasses an entire mountain range which holds identified mineral resources of gold, silver, tungsten, and copper. There appears to be high potential for these commodities, along with strong mineralization indicating the presence of molybdenum, lead, and iron around the edges of the proposed wilderness area. Anomalies are also evident in the area indicating the possible presence of cobalt, barium, zinc, uranium, and rare earths. All or part of 22 mining districts are in the Wilderness Study Areas. Many inactive mines and prospects exist. Approximately 294 patented mining claims are in the Wilderness Study Area, according to 1983 records. The inclusion of these highly mineralized areas in a potential wilderness is unacceptable to the Colorado Mining Association. The Forest Service has designated 191,700 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is philosophically opposed to designating an entire mountain range with a past history of mineral activity as wilderness.

The Association strongly recommends the exclusion of approximately 87,000 acres from the Wilderness Study Area.

Spanish Peaks, Sec. 101(12)

By all indications, there is a high possibility for economic mineralization in the very center of the Wilderness Study Area. The Bulls-Eye mine sits on the north side of west Spanish Peak in the heart of the Wilderness Study Area. Gold, silver, lead, zinc, and copper, once produced in the mine, still occur around the peak and in the streams draining from it. The area is periodically active with oil and gas lease applications.

This total area has been recommended as unsuitable by the United States Forest Service for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in accord with the Forest Service that this area is absolutely unsuitable for wilderness designation because of its high demonstrated mineral potential.

West Needle (includes Purgatory WSA), Sec. 101(15)

Numerous small mines in workings border, or are within the eastern boundary of the West Needle Wilderness Study Area. Information from these workings indicates minor lead, zinc, and gold values in the area, with moderate to high values of silver occurring in adjacent faults which may extend into the study area. The Elk Park Mine on the eastern edge of the boundary has a potentially large uranium deposit which projects laterally into the study area. Other companies, including Exxon Minerals, have drilled extensively at the mine in the near past.

Though the Forest Service has recommended 20,340 acres as being suitable for inclusion in the National Wilderness Preservation System, the Colorado Mining Association takes the position that this area is unsuitable for wilderness designation because of its high potential for economic mineral deposits.

Wheeler Geologic, Sec. 101(16)

The Wheeler Geologic area, one mile square, was withdrawn from mineral activity and set aside more than two decades ago. This has served as sort of a "geologic monument", because of unique volcanic formations in the area. The wilderness study area, however, encompasses about 21 square miles around the monument, an amount of ground which is absolutely unnecessary to achieve any degree of protection. The Colorado Mining Association is particularly concerned with the vast amount of acreage which is very near to the active producing properties near Creede.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. Existing management of the geologic area appears to be sufficient to protect these unique geologic formations. The designation of an additional 21 square miles of wilderness surrounding this area is unnecesssary. The Colorado Mining Association proposes that the Wheeler Geologic Formation continue to be managed as it has in the past, with no additional wilderness designations around the periphery.

Oh-Be-Joyful, Sec. 101(7)

The Oh-Be-Joyful Wilderness Study Area is particularly objectionable to the Colorado Mining Association as a potential wilderness area. The area has a high potential for deposits of molybdenum, silver, lead, and zinc as a result of extensive drilling and is directly adjacent to historic mining areas. This potential is particularly evident in the eastern and southern portions of the Wilderness Study Area. The Mount Emmons molybdenum deposit and the Red Well Basin deposit are adjacent to the southwestern corner, and another area of potential molybdenum mineralization is in the northwestern part of the study area. Numerous individuals hold mining claims throughout the Oh-Be-Joyful, and a good 4-wheel drive road runs through its center. The Bureau of Mines also reports that three inactive mines within the area produced precious and base metals.

The Forest Service has recommended in two separate studies that the entire area is unsuitable for inclusion in the National Wilderness Preservation System; the Colorado Mining Association concurs fully.

Spruce Creek, Sec. 101(13)

This area appears to have a low potential for mineral deposits. Rocks favorable for silver mineralization in the nearby Aspen mining district do not occur in this area. No anomalies appear to exist in stream sediments.

The Forest Service has recommended that 8,000 acres be included in the National Wilderness Preservation System. The Colorado Mining Association has no objection to inclusion of the Spruce Creek Wilderness Study Area in the National Wilderness Preservation System.

Big Blue - American Flats BLM Study, Sec. 101(18)

The American Flats Wilderness Study Area is directly adjacent to areas of historic exploration and production activities. The entire area has at least moderate potential, and perhaps high potential for mineral discoveries. Homestake Mining Company holds 39 mining claims and has drilled and built roads in the area. The company is still interested in the area.

The Colorado Mining Association opposes the designation of the American Flats area as a part of the National Wilderness Preservation System. Special care should be taken in designating any new wilderness areas in regions with such high indicated mineral potential and actual exploration activity.

Bill Hare Gulch & Larsen Creek

Further mineral studies are necessary for these areas.

A field investigation should be performed to determine presence or absence of mineral resources in these proposed wilderness areas. Finding Lake City type gold- and silver-bearing veins is a possibility in either of the two areas.

It is premature to designate these two small areas as wilderness.

Service Creek, Sec. 101(10)

Government studies appear to show no favorable conditions for the occurrence of economic mineral resources in this area. Although considerable mining activity has occurred north and south of the study area, the geology is different within the area.

The Forest Service has recommended 39,860 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association does not have any objection to the inclusion of this area in wilderness.

Cannibal Plateau & BLM Powderhorn Study Area, Sec. 101(2)

Many small mines and prospects north of the Powderhorn area were established to explore for base and precious metals. The area also contains the largest titanium and columbium proven reserves in the United States. Deposits of rare earths also appear to exist in this area. While the mineral potential of the area itself appears to be low in areas other than the southwest part of the area, the Colorado Mining Association is extremely concerned about the proximity of the highly productive Lake City Mining District.

The Forest Service has recommended 13,599 acres as suitable for wilderness. The Colorado Mining Association supports the exclusion in S.1343 of approximately seven square miles of territory in the southwest corner of the Cannibal Plateau Further Planning Area due to the high mineralization in the area.

Davis Peak, Sec. 101(3)

The rocks that underlay the Davis Peak Study Area have a very high potential to host economic deposits of gold, silver, lead, zinc, and copper. Geologically, this area appears to be quite similar to other areas in the world which contain significant mineral resources, particularly Canada and Australia. The mineral potential for the Davis Peak area is rated as being moderate to high for locatable minerals over 62% of the area. Because the remainder of the area is overlain by stream sediments, underlain by similar rocks, it would appear that the entire area must be considered to have high potential for locatable minerals.

The Forest Service has only recommended 8,1000 acres as suitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association strongly opposes the

36,000 acre proposed wilderness acreage in S.1343 because of its high potential for future mineral discoveries and lack of significant scrutiny under the Rare II process.

Lost Creek, Sec. 101(6)

The mineral potential for this area appears to be low. Uranium appears to be the most prominent mineral noted in the area and has been mined in similar deposits west of the Further Planning Area. The Forest Service has recommended the entire area as being unsuitable for inclusion in the National Wilderness Preservation System. Wilderness characteristics in the area have been lowered by the fact that 19 miles of road exists, 600 acres of timber have been harvested, and by an electronic site in the area. The Colorado Mining Association agrees with the Forest Service that this area is unsuitable for wilderness designation.

St. Louis Peaks, Sec. 101(8)

Amax's Henderson Mine exists just southeast of the St. Louis Peaks area. A probable resource potential exists in this area for mineralization of a similar type and nature to the Henderson deposit. Moderate potential for silver, copper, lead, and zinc exist in the study area. Past mineral activities occur in the southeastern and northern portions of the area, and the numerous mines on the eastern side of the area appear to be where silver-lead-zinc occurrences had surface manifestations.

This area appears to be surrounded by non-forming uses which are incompatible with wilderness designation. There appear to be developments in the area for skiing, mining, and recreation, which are incompatible as well.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association is in full concurrence with the Forest Service that this area is unsuitable for inclusion in the National Wilderness Preservation System.

The Williams Fork, Sec. 101(17)

Known mineral occurrences exist in the northeastern portions of the Further Planning Area near Jones Pass where silver, lead, and zinc have been mined and uranium has been prospected. Workings are scattered throughout this section of the Further Planning Area. In addition, the Henderson Molybdenum Mine is located within the northeast section of the Further Planning Area. Substantiated and probable mineral resource potential is described for the southeastern part of the area in the United States Geological Survey Professional Paper 1300.

The Forest Service has recommended this area as unsuitable for inclusion in the National Wilderness Preservation System. The Colorado Mining Association regards this as another attempt to designate wilderness in the area of important historical mining activity which is essential to national defense and industrial needs. The Colorado Mining Association is in full concurrence that this area is unsuitable for wilderness designation.

Vasquez Peak, Sec. 101(8)

The Vasquez Peak Wilderness Study Area is within the Colorado Mineral Belt and part of the Daily Mining District and has numerous evidences of mineralization, especially along the eastern boundary. This area appears to be very favorable for mineral deposits, including high grade lead-zinc-silver, and possibly uranium.

The Silver Plume Granite Trend, which holds the important molybdenum ore body for the Henderson Mine and the Urad Mine, extends into the southern portion of the Wilderness Study Area. These major mines plus numerous smaller mines are located within a mile south of the Wilderness Study Area. Amax continues to conduct exploration in this area as do other companies. The probable mineral potential is described by the U.S. Geologic Survey Professional Paper 1300.

Though the Forest Service has recommended this area as suitable for inclusion in the National Wilderness Preservation System, the Colorado Mining Association is opposed to the designation of the Vasquez Peak Wilderness Study Area as a wilderness.

Weminche Contiguous, Whitehead Gulch & Needle Creek WSAs, Sec. 101 (14)

All three of these areas are in the Animas Mining District and contain silver-lead-zinc occurrences similar to those mined from around the proposed areas. Once again, we believe designation of these areas as wilderness is unsuitable given the past mining activity and the future potential for the area.

Closing Comments

In several instances, wilderness areas have been proposed based on motivations relating to the control of mining activity; this is unacceptable to the Colorado Mining Association. The Colorado Mining Association is of the hope that these motivations will be examined in earnest prior to the consideration of any of these areas for wilderness status.

The Colorado Mining Association appreciates the opportunity to comment on these proposed wilderness designations. The majority of these areas include regions with moderate to high potential for mineral discoveies, including some with substantial reserves and a past history of production. In the overall balance which is necessary in the uses to be made of the public lands, a non-use, such as wilderness, should not be given precedence over important, demonstrated resource values. A close analysis needs to be made of mineral activity in each of these areas, including the presence of patented and unpatented mining claims, exploration activity, past production, and the potential for the same.

Now that Colorado has 2.6 million acres of wilderness already in place, it is the position of the Colorado Mining Association that the pendulum must swing; we can no longer afford to designate high areas for additional wilderness when no analysis has been made of the potential economic impact on the communities affected, the state, individual companies and the nation as a whole. Basic rationality must find a place in the wilderness decision-making process.

The Colorado Mining Association requests that our comments be looked at closely in conjunction with those submitted by affected communities, the lumbermen, ranchers, individuals, and those who are dependent for their livelihood upon the accessibility of public lands of the United States, and specifically those of the State of Colorado.

COLORADO MINING ASSOCIATION
1340 Colorado State
Bank Building
1600 Broadway
Denver, CO 80202
(303) 894-0536

COLORADO MINING OVERVIEW

THE COLORADO MINING ASSOCIATION

October 1989

The Colorado Mining Association (CMA), established in 1876 and incorporated in 1897, is a trade association whose membership, numbering 127 companies and 1,200 individuals, is composed of both small and large enterprises engaged in the exploration for, production and refining of, metals, coal, oil shale and industrial minerals; firms that manufacture and distribute mining and mineral processing equipment and supplies; and other institutions serving the mineral industry.

COLORADO'S MINERAL INDUSTRY

VALUE OF PRODUCTION

According to the Bureau of Mines, U.S. Department of the Interior, preliminary figures show that the value of nonfuel minerals produced in Colorado in 1988 was $374.9 million. Coal production was valued at approximately $300 million.

EMPLOYMENT

Mining employment was estimated to be 5,100 in 1988, up from 4,900 in 1987, according to the Colorado Department of Labor and Employment. New gold projects account for most of the slight increase in nonfuel mining employment.

GOLD

Between 1985 and 1988, the reopening of several old precious metal mines increased Colorado gold output 313%. In 1988, gold production in Colorado was an estimated 215,459 troy ounces. In repetition of its past glories, Denver again has become the gold capital of the United States. More than 50% of the U.S. gold production is by two to three dozen companies of local, national, and international standing whose headquarters or major offices are in, or moving to, the Denver metropolitan area. These firms have found in Denver the low-cost office space and mining support structure, such as research libraries, laboratories, and air transportation facilities required for efficient management of their businesses.

SILVER

Monthly production of pure silver from ores and concentrates by domestic refiners averaged 3.2 million troy ounces from January to September, 1988, according to the Silver Institute, Washington, DC. Silver production was down 16% from the monthly average of the previous five-year period. In 1988, 736 thousand troy ounces were produced in Colorado, an estimated 15% reduction in production from 1987. This was largely due to reduced output at the Sunnyside Mine near Silverton, and the Black Cloud Mine (ASARCO Incorporated) near Leadville.

MOLYBDENUM (MOLY)

Demand for molybdenum increased quietly during 1988, but prices were little affected. The average price for canned molybdic oxide during the final quarter of 1988 was about $3.45/lb.

AMAX's Henderson Mine, near Berthoud Pass, increased its production from an operating annual rate of 18 million pounds of oxide in concentrate early in the year to produce about 30 million pounds at year end. The mine has a production capacity of between 40 and 45 million pounds per year. Production from AMAX's Climax Mine near Leadville has been suspended since March 1987. Climax has indicated the mine could resume production on short notice should market conditions warrant.

COAL

Colorado's 1988 coal production was 15.7 million tons, up from 14.3 million tons produced in 1987, but under the record annual production of 19.3 million tons in 1981. The slight increase can be attributed to increased production of metallurgical coal and an increase in demand for for power generation as a result of the 1988 drought which reduced the availability of hydropower. At year's end, the Colorado Division of Mines listed 22 coal mines that produced during 1988. Employment at the end of 1988 was 2,186.

URANIUM

Employment in the domestic uranium industry has declined each year from the peak of 22,000 in 1979 to less than 2,000 workers today. In Colorado, there were approximately 153 uranium employees in 1988, only slightly greater than 139 in 1987, and still substantially lower than 325 in 1986 and 2,900 in 1980. Two new mines opened in 1988 in the state, bringing the total of mines to 24 and accounting for the 10 percent rise in uranium employees. The State's sole nuclear power plant will be shutdown before June 30, 1990, because of continuing technological problems since opening in 1976.

OIL SHALE

Today, development of oil shale is proceeding in Colorado, although at a much slower pace than in the early 1980's. Low petroleum prices have greatly affected the oil industry as a whole, and have discouraged further commercial project efforts by many companies with oil shale interests. However, there is no question that oil shale is a valuable energy resource. When economics permit, this domestic resource will once again be actively developed.

NONMETALLIC MINERALS (Cement, Clay, Gypsum, Perlite, Sand and Gravel, Stone, and Construction Materials)

Cement
Portland and masonry cement production and value decreased slightly in 1988. Crude gypsum production is estimated to have fallen 10% from that of 1987.

Dimension Stone
Dimension stone output rose an estimated 13%, and value 7%, over 1987 figures. Marble quarries in Chaffee and Gunnison Counties were coming into production to supply the rising demand by house buyers, monument carvers, and architects of large public buildings.

Construction Materials
Construction materials for the proposed new Denver airport, beltway E-470 (for which ground was broken on December 14, 1988), and other projects have been estimated at between 8 million and 12 million short tons of fine and coarse aggregates and portland cement.

CMA PUBLIC LANDS POLICY

CMA believes that the public lands should be managed for multiple-use to the greatest extent possible. The greatest threat to multiple-use management, including mineral exploration and development on the public lands, is the continued proliferation of the National Wilderness Preservation System. In Colorado, 2.5 million acres of national forest (18% of Colorado's national forest lands) are already in the Wilderness System.

Most national forest wilderness, including practically all forest lands under consideration for wilderness designation, lie within known mineral belts. Additional proposals for wilderness designation need to be subjected to a rigorous analysis of their true suitability for inclusion, and to compare the broader benefits of multiple-use management.

Public land management planning processes should recognize the unique nature of mineral resources and provide flexibility to assure mineral development wherever minerals are found. Changing markets, technology, and exploration methods make it clear that few, if any, areas have been explored thoroughly for their mineral potential.

m/u-5

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building, 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

RESOLUTION

CONCERNING
WATER RIGHTS FOR WILDERNESS AREAS

WHEREAS, Water is essential to the economic well-being and quality of life in Colorado; and

WHEREAS, A federal reserved water right for wilderness downstream from cities, farms, and industry could have a serious detrimental impact on the economy and quality of life in Colorado; and

WHEREAS, Congress has not heretofore expressly created federal reserved water rights for wilderness areas in Colorado and to grant such water rights without addressing the downstream water rights impacts, especially considering the vast downstream areas now under study for possible wilderness designation, would result in a legislative precedent which would be damaging to existing water rights and future water supply opportunities; and

WHEREAS, Colorado Senators Armstrong and Wirth appointed a non-partisan group, which included leaders of groups responsible for providing water for the future of Colorado, to negotiate water language for future wilderness legislation; and

WHEREAS, Those leaders of water providing groups drafted principles which provide for water rights for wilderness and water for Colorado's future economic well-being;

NOW THEREFORE BE IT RESOLVED

That we, the members of the Colorado Mining Association, strongly endorse the principles drafted by the leaders of Colorado's water providers which are summarized as follows:

- o Future headwaters wilderness shall have a water right which will be adjudicated in state court with a priority date as of enactment of the bill.
- o Legislation must provide a right of access to repair, maintain, and replace water facilities.
- o There shall be no implied or expressed water right for downstream wilderness.
- o Water rights, water projects, and water facilities in wilderness must be protected.
- o Colorado must preserve its right to use and develop water to which it is entitled under interstate compacts and equitable apportionment decrees.
- o Water may be withdrawn from wilderness in an emergency.
- o Release of remaining Forest Service wilderness study areas.

Moved, seconded and unanimously adopted by the Board of Directors of the Colorado Mining Association this Twentieth Day of October, A.D., 1989.

FOUNDED 1876
INCORPORATED 1897

James D. Edgerley, Chairman

Attest: Shirley A. Hunter, Secretary

David R. Cole, President

m/u-8

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building, 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

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WATER RIGHTS FOR WILDERNESS AREAS

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David R. Cole, President

m/u-8

THE COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building, 1600 Broadway
Denver, Colorado 80202
(303) 894-0536

RESOLUTION

IN SUPPORT
OF
MULTIPLE-USE OF THE PUBLIC LANDS

WHEREAS, 36 percent of the land in Colorado is owned and managed by the federal government; and

WHEREAS, That land belongs to the public and its management must reflect a reasonable balance of all of the uses; and

WHEREAS, Use of the federal lands for skiing, hunting, jeeping, biking, timbering, grazing, and mining provides the economic base for many Colorado communities and provides jobs and a tax base that in turn provide for essential services like education and roads; and

WHEREAS, Continued study of Forest Service lands for wilderness twenty-five years after the passage of the Wilderness Act is a serious impediment to coherent land use planning for the other multiple-uses upon which Colorado's economy depends; and

WHEREAS, 2.6 million acres in Colorado are already in the Wilderness System and other lands in Colorado have already been studied for wilderness and released to multiple-use management; and

WHEREAS, Congress is currently considering proposals for the designation of additional wilderness lands in Colorado;

NOW THEREFORE BE IT RESOLVED

That we, the members of the Colorado Mining Association, strongly urge that Congress subject each area proposed for wilderness designation to a rigorous analysis of its true suitability for inclusion, and to compare the broader benefits of multiple-use management; and

Be It Further Resolved, that we strongly oppose the designation of any areas which have been previously studied for wilderness and released to multiple-use management or areas which have not been studied for wilderness; and

Be It Further Resolved, that we strongly urge that in any wilderness legislation provision be made for release of all areas not designated wilderness so that public land management agencies can proceed with coherent land use planning.

FOUNDED 1876 INCORPORATED 1897

Moved, seconded and unanimously adopted by the Board of Directors of the Colorado Mining Association this Twentieth Day of October, A.D., 1989.

James D. Edgerley, Chairman

Attest: Shirley A. Hunter
Shirley A. Hunter, Secretary

David R. Cole
David R. Cole, President

m/u-9

1989 NOV -8 PM 4:12

2 LETTERS
MR + MRS.

NOVEMBER 1, 1989

HONORABLE SENATOR TIM WIRTH
SENATE SUB COMMITTEE PUBLIC LANDS
NATIONAL PARKS AND FOREST
237 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

SENATE SUB COMMITTEE;

DUE TO THE OCTOBER 28TH MEETING OF THE WILDERNESS PROPOSAL HEARING BY TIM WIRTH BEING FULL I WAS UNABLE TO OFFER MY TESTIMONY ON THE S 1343 BILL. I WISH TO STATE AT THIS TIME THAT I AM OPPOSED TO THIS BILL AND WISH TO ENTER INTO PUBLIC TESTIMONY MY DISAPPROVAL OF THIS BILL.

SINCERELY

Robert Lane

ROBERT LANE

NOVEMBER 1, 1989

HONORABLE SENATOR TIM WIRTH
SENATE SUB COMMITTEE PUBLIC LANDS
NATIONAL PARKS AND FOREST
237 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

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SINCERELY

Patricia J. Lane
PATRICIA LANE
1100 Boston St.
Aurora, Co 80010
303-344-5340

2 LETTERS
MR + MRS.

[illegible]

Nov 3.1989

Senator Wirth:

I was unable to offer my testimony due to the crowded conditions on October 28th in Denver. I would like to have this testimony entered into the public record for the subcommittee.

I am opposed to your wilderness bill. S-1343.

Sincerely:

R.W.Flubacker

Nov 3.1989

Senator Wirth:

I was unable to offer my testimony due to the crowded conditions on October 28th in Denver. I would like to have this testimony entered into the public record for the subcommittee.

I am opposed to your wilderness bill. S-1343.

Sincerely;

Debra Flubacker

Honorable Timothy Wirth
Subcommittee on Public Lands
and Natl. Parks and Forest Lands
237 Russell Senate Office Bldg.
Washington, D.C. 20510

1989 NOV -8 PM 4: 12

Senator Wirth,

This letter is in reference to Wilderness Bill #S1343.

I was present on October 28, 1989 for the public hearing concerning this bill. Due to time constraints I was unable to testify. Please let your records show that I am against your Wilderness Bill #S1343.

Respectfully,

Roy Duncan
301 Mesa Loop
Gunnison Colo 81230

Michael Ormsby
4215 Moore
Wheat Ridge, CO 80033
303-421-9063 (home)
303-460-4340 (work)
October 31, 1989

1989 NOV -8 PM 4:12

Senator Tim Wirth
380 Russell Building
Washington, DC 20510

Dear Senator,

Thank you very much for your sponsorship of S. 1343, which will add 750,000 acres to National Wilderness Preservation System. I spoke briefly in favor of the bill at the hearings in Denver on October 28th. To elaborate, my reasons for supporting the bill are as follows:

- Despite the polarization of developers vs. environmentalists, the bill is in everyone's interests. Preserving the wilderness will result not only in a better environment but in the long run will result in a healthier economy. Wilderness preservation can be seen as a form of economic progress. Colorado is dependent on tourism. In the long run it is essential to preserve the wilderness which attracts people to Colorado. If in the short term we sacrifice the "boom & bust" money from land speculation and exploitation it is worth it. It is much more important to take the long term view of the kind of Colorado we will leave to our children and grandchildren, both environmentally and economically.

- As the front range of Colorado becomes more urbanized the value of wilderness as a kind of psychic safety valve for urban people living stressful lifestyles will increase.

- The area of the state of Colorado encompases 66,300,800 acres. 750,000 acres affected by the bill represent 1.13% of Colorado's area. Even if the bill is approved there will lots of land in private ownership available for economic development.

Cordially,

Michael Ormsby
Michael Ormsby

1989 NOV -8 PM 4:12

13251 South Cedar Circle
Pine, Colorado 80433
November 2, 1989

Senator Tim Wirth
United States Senate
Washington D. C. 20510

Dear Senator Wirth:

Please enter the following comments in the public record regarding SB 1343 and the public hearing held on October 28, 1989.

I work with young people as a high school teacher. I hear these concerns frequently:

o Will there be anything left for them?
o Is there reason to hope for the future?

Our generation's responsibility therefore includes: 1) Leaving some of the earth's special places in trust for them to care for. 2) Modeling for them that we live in a world of thoughtful judgement, and active compromise.

To not pass SB 1343 would further confirm the cynical viewpoint that permanent (ecosystem distructive) decisions will be made by adults now, and that there is little point in participation in a system of negotiation and compromise which has too often failed.

Thank you for your efforts. I hope to see SB 1343 passed into law this year.

Sincerely,

Henry Gibb

Senator Wirth

I am apposed to your wilderness bill # S- 1343

1989 NOV -8 PM 4:12

I am a native of the state of Colo. I am 53 yrs old and have hunted and fished in this state sence I was 13 yrs old. I feel we have enough restriction to aceess to public lands.

I would like to have this testimony entered into the public record for the subcommittee.

Sincerly Clinton E. Akers

Clinton E Akers
6859 So Clermont St.
Littleton, Colo, 80122
779-5393

November 2, 1989

1989 NOV -8 PM 4:12

Dear Senator Wirth:

Please include the following comments in the hearing record for S1343, the Colorado Wilderness Bill.

After listening to the water lawyers at the Oct. 28 hearings, it is clear that Colorado water interests are already looking beyond this bill. They are worried about future designation of downstream wilderness areas and what this might do to their perceived water rights. Clearly, they want to preclude designation of reserved water rights for these areas by inserting language in the present bill. They are right that such areas will be designated in future, and that constitutes the real threat to their interests. Reserved water rights for upstream wilderness areas in S1343 could set a precedent for future bills.

As was pointed out, wilderness without water is meaningless. I support the Colorado Wilderness Bill and hope to see its passage in this session of Congress.

Sincerly,

Barbara E. Brayton

Barbara E. Brayton
1550 Sherman #303
Denver, CO 80203

Thomas A. Davis
box 2635
Stmb. Spgs., CO 80477

Dear Senator,

1989 NOV -3 AM 11:55

Enclosed is a petition signed by the residents of Steamboat Springs, CO. All signatures are for the Senator Tim Wirth Wilderness bill S. 1343. I must add that I was unable to attend the 10/28/89 sbucommittee hearing in Denver. I did attendMr. Wirth's public meeting in Glenwood Springs two weeks earlier. Personally I can tell you there is an immense amount of public support for the bill. It is not difficult to persaude those I meet to sign and support the bill. A 30 second talk is usually more than enough. Coloradoans want this bill.

For me the greatest benefit is allocating land that is for the natural world. Little intervention by man. This enables the land to balance itself, to maintain itself. Yes we can see, smell, hear, touch "wilderness". That is if we have the simplest of movement skills, a desire to see it and not our fancy machines. Those who wish to roar around in trucks, snowmobiles, bicycles, ATVs are limited to other areas. That is what is meant by the noble term "wilderness". There are a multitude of other areas for these machines. It keeps something for us to see unhindered. It demands that we walk with the earth, slowly so we know how special it really is. We do not destroy, repossess, manipulate it for monetary gain. This is good for a part of our United States. Yet the strongest,sanest benefit for "wilderness" is that it provides strangth and sanity. No drugs required, no foreign oil. Merely two feet, character.

Please vote yes on S. 1343. Please provide an area for the earth, and for my children to this earth.

Sincerely,
Thomas A. Davis
Thomas A Davis

Mr. Wirth has original with 103 Signatures

1989 NOV -3 PM 6:29

OCT 31 1989

October 28, 1989

The Honorable Tim Wirth
1129 Pennsylvania Street
Denver, CO 80203

Dear Senator Wirth:

People often tell Environmentalists that they have to compromise. They say,"Meet us halfway" and "Be resonable." This mine/this ski area/this factory/this forest clearcut/this shopping mall/this boat marina/this highway/this subdivision/this dam/ This PROJECT will create jobs for PEOPLE. "BE REASONABLE," they say.

Well, let me tell you where this approach has gotten us. Since 1900, we have lost over 50 percent of this country's wetlands, the most productive and precious of our ecosystems. Some States, like Calfornia, have destroyed 90 percent. It is no coincidence the Central California flyway has had its duck populations decreased by 90 percent. "BE REASONABLE," they say.

The ancient forests of the Pacific Northwest have already been reduced by 95 percent and now the loggers are haggling over the remaining 5 percent. "BE REASONABLE," they say.

According to the Audubon Society, the historic Platte River, through dams and irrigation has already been reduced by nearly 80 percent of its originial flow. Two Forks dam and other water projects planned for the Platte will literally turn this river to dust. "BE REASONABLE," they say.

We are now witnessing the largest extinction of species in our planet's history. The Nature Conservancy says that in the next 30 years ONE MILLION plant and animal species may become extinct. That is nearly 100 species a day forever lost from this planet! "BE REASONABLE," they say.

I am here today to say to the loggers, mining companies, developers, and dam builders that it is YOUR turn to "BE REASONABLE." It is YOUR turn to compromise on this wilderness bill.

First, I would like to protect the 1.2 million acres in the original wilderness plan not the 750,000 acres now proposed.

Second, I would like ample water rights granted to all wilderness areas to protect their biodiversity and breathtaking beauty.

Third, I would like to prohibit all hunting and all grazing in wilderness areas.

And fourth, I would like to prohibit all mining in wilderness areas.

Opponents of wilderness must be made to understand that wilderness areas are not there for people. Wilderness areas are there to protect ecosystems and wildlife for future generations. Wilderness areas are special places on the planet where we can go to replenish our souls.

Sincerely,

Dennis B. Williams

Dennis B. Williams
2927 Champa Street
Denver, CO 80205

600 30th St.
Stearns East 1265
Boulder, CO 80310-0452
27 October 1989

OCT 30 1989

To Whom it may con[illegible]

NOV 3 PM 6:29

I would like to thank Senator Wirth for his tremendous efforts to preserve Colorado's wilderness areas. I feel it is a very good compromise between all the interests concerned. The Wilderness Bill (S. 1343) is something doing some good for Colorado.

It is Great to see that someone in the legislature is concerned about the environment and is listening to his constituents.

Thanks, and keep up the good work!

Kristine K. Johnson

#1343

Line 3, page 10. I think you mean "affecting" instead of "effecting." ("Affecting"--touching upon. "Effecting"--bringing about.)

Line 3, page 8. "Area...are" should be "areas are" or "area is."

OCT 30 1989

1989 NOV -3 PM 6:29

1058 Pearl St., #4
Denver, CO 80203

October 29, 1989

Senator Tim Wirth
1129 Pennsylvania St.
Denver, CO 80203

Dear Senator:

After hearing the many pros and cons over wilderness water rights at the hearing yesterday, I realized I didn't know as much as I thought I did. So I went to the library and read the bill to see exactly what it does say. My conclusion: I agree with Congressman Skaggs (if I understood him correctly!)--why not just designate the new wilderness areas and let it go at that, leaving out the section on water altogether. We might go as far as to include the paragraph to the effect that the Act intends to designate only upstream areas, no more. How about it?

Sincerely,

Mary Lou Cox

Comments for the hearing on SB 1343 10/28/89:

I support 1343 for two selfish reasons.

One, I want those wilderness areas to continue to be there for me. For forty years I have tramped in our Colorado mountains. Others have expressed, more eloquently than I can, how much wilderness has meant to me and why I want to continue going into wilderness areas, areas that will not be marred by mining and timbering and attendant road building.

Two. For this, I am so bold as to appoint myself a spokesman for wilderness. Wilderness and everything in it want to be allowed to just be there. They have told me so. They have told me not in words but by their very presence. I'm told that a picture is worth a thousand words. Well, actual appearance is worth more than a thousand pictures. Wilderness, by its presence, by its appearance, tells me that it wants to be there; and so I pass along their message to anyone who will listen.

Mary Lou Cox

1989 NOV -3 PM 6:29

P.O. Box 912
Meeker,Co.81641
October 30,1989

Senator Tim Wirth
United States Senate
Washington, D.C. 20510-0603

Dear Senator Wirth,

Because of the weather and previous business commitments I was unable to testify the Senate Energy Committee Saturday 28, 1989 in Denver. I appreciate the opportunity you have given the people of Colorado. I have enclosed the brief statement I had intended to give.

My name is Hartley Bloomfield, and I reside in Meeker, Colorado. My children are fifth generation to live in the White River valley and explore the unspoiled wilderness that their great-great grand father first saw in 1885. This area, some thirty five miles east of Meeker in the Flattops Wilderness area, is where L. S. Bloomfield ran his cattle during the summer. Our children still have the unique opportunity to experience the same streams, mountains and forests he first saw a hundred years ago. The stories that have passed down from generation to generation, concerning bears, mountain lions, and fishing have a chance to be relived in the quiet solitude of the South Fork Canyon. Although our children are almost grown and ready to leave they will have the opportunity to pass their experiences and the wilderness to their future generations. For this is what the wilderness concept is all about, to pass on the experience of self sufficiency by walking, or riding a horse into an area that has no facilities to future generations. Wilderness stands as the last frontier on this world, and acts as a rejuvenation for each as they participate in ridding themselves of the clutter of the modern world. We each need a space to think our own, that is a private space not interrupted by the modern society. Wilderness gives us that space even though it might only by a journey within the mind, during a busy downtown free for all.

Yours Truly,
Hartley H. Bloomfield
Hartley H. Bloomfield

1989 NOV -3 PM 6:29

Mt. Sopris Group of the Sierra Club
P.O. Box 4648
Aspen, CO 81612

TESTIMONY IN SUPPORT OF SENATOR WIRTH'S WILDERNESS BILL

There is a excepted attitude that humans are most important, and that the world and it's other inhabitants are here to serve us. This is the very attitude that is destroying our planet, and a attitude the must change.

Setting aside wilderness and leaving it untouched is turning this new philosophy into action.

We are appalled by the cutting of the rain forests in the world and demand that it be stopped. And yet we are unwilling to save our own forests and leave them untouched. I think it's time to start practicing what we preach.

Western slope tourism is a critical industry for our part of the state. The wilderness experience is at the very pinnacle of this outdoor industry. As potential wilderness outside the state of Colorado becomes commercialized the tourism value of our wilderness will grow. It is an investment in our state's future.

My community has not suffered, economically from the "locking-up" of our wilderness. In fact, 76,000 tourists alone this summer have ridden our public busses to the Maroon Bells, Snowmass Wilderness area to enjoy the scenery of our wilderness. These people dont backpack, don't ride horses, or want to spend their vacation in the backcountry but do spend time in our town which translates into dollars spent in our community. The very same people some would say are denied this elitist experience.

Our other wilderness area, Hunter, Frying Pan Wilderness is slowing coming under attack by those who would like to translate their mining claims into housing projects. The addition of the Spruce Creek area would help to preserve more of this wilderness area and help to insure that the Hunter, Frying Pan area does not become a subdivision of Aspen.

Beverly Keifer
Executive Board Member

P.O. Box 28458
El Jebel, CO 81628
303-963-9464

Beverly Keifer

1989 NOV -3 PM 12:29

THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES
HEARING ON S.1343

ADDENDUM TO STATEMENT SUBMITTED IN DENVER, COLORADO, OCT.28,1989
BY ROBERT. W. CHILD
OCTOBER 31, 1989

At the time I prepared my initial statement in support of S.1343, it had not occurred to me that right in my own backyard I had a good example of the water rights impact of headwaters Wilderness.

My ranch lies below a portion of the White River National Forest. Haystack Mountain, the closest mountain, although linked by a ridge to Mount Daly and Capitol Peak, until 1980 was not included in the Snowmass-Maroon Bells Wilderness area although it had all the attributes associated with Wilderness designation. All three mountains would meet the definition of "headwaters", with Haystack over 12,000 feet in elevation, and Daly and Capitol even higher. The latter two peaks had Wilderness designation before 1980.

In the 1970's strong consideration was given to the development of a major ski area on Haystack Mountain, although it lies in an area glutted with ski acreage. Development would have been accompanied by demand for municipal and industrial water, and the water rights for the ranches in the valley below would certainly have become junior. In other words without Wilderness designation, little or no protection was afforded the ranches in the valley below.

With Wilderness designation in 1980, the water rights of these ranches became secure against other than downstream "calls". At that time it did not occur to me that we had become so protected. Still the potential exists for those downstream calls because the waters flowing off the Haystack snowpack have no protection as flows adjudicated for that portion of the Wilderness.

That potential for call could have been minimized by the language as proposed in S.1343. Although it is too late for our situation I think that you will find that the Haystack Mountain situation is replicated in each of the areas proposed for Wilderness designation under S.1343

Robert W. Child
4516 Capitol Creek Road
Snowmass, Colorado
81654

Robert W. Child

Note: The Snowmass where I live has no connection to the Snowmass Resort.

Copy sent to committee

2503

1989 NOV -3 PM 6:28

3254 So. Truckee Way #105
Aurora, Colo. 80013
Oct. 26, 1989

Dear Senator Wirth:

I was born and raised in Colo. Springs and with the exception of the four yrs. I spent in Phila., Pa., I have lived in Colo. all my life. I have two children who where born in the Denver area. My mother, step father and several brothers and sisters and their families live in Colo. My parents have a five acher lot and cabins along the Arkansaw River near Coaldale, Co. which they bought in 1966.

All of our families have used this property over the years for fishing, hunting, rafting and motorcycle riding. We have frequently taken advantage of the adjacent National Forest for camping, motorcycle riding, and four wheeling. I, my children and several friends ride the sections of the Rainbow Trail open to motorcycles several times each summer.

We ride motorcycles or four-wheel over Hayden Pass almost ever visit to the area. We use the other dirt or four wheel roads from Salida to Texas Creek.

Please do not deny my family acess to this great recreational resourse by creating the Sagre de Cristo Wilderness Study area. I can not think of a single back packer or horse ower among my friends and relatives that use this area.

Thank you for considering my openion and needs.

Sincerely,

George A Rogers, D.D.S.

P.S. Please include this in the record for Bill S-1343

C.C. Senator Bill L. Armstrong

1989 NOV -6 AM 11:21

P.O. Box 148
Parlin, Colorado 81239

10/31/89

Senator Tim Wirth
Senate Office Building
Washington, D.C. 20515

Dear Senator Wirth,

I live in Quartz Creek valley above Parlin. Fossil Ridge is visible from my bedroom window. I have lived in this valley for over eight years.

I have returned within the last month from Alaska where I was engaged in the well publicized effortto "clean-up" Prince William Sound in the aftermath of the EXXON-VALDEZ oil spill.

The spill is a watershed event. It demonstrates conclusively, if further proof were needed, that we are utterly dependent on our political system to buffer us from technologies that threaten the natural world.

Such buffering action did not occur in Alaska. Both ADEC (Alaska Department of Environmental Conservation) and the Coast Guard were misled and co-opted by EXXON and Alyeska concerning the precautionary measures which would prevent a spill as well as the containment measures which would prevent adverse effects.

This sort of co-optation is also evident in Colorado. The District Office of the Forest Service in Gunnison has long considered it their priviledge to drive their A-T-V's and Kawasakii's through Fossil Ridge even though the area has been designated a Wilderness Study Area. The District Office is openly sympathetic to the local motorcyclists, permitting use of the Summerville trail and the ridge line as a high altitude motorcycle mecca.

It is evident to me that legislation is required creating sanctuaries where the normal rules of recreational use and mineral exploration do not apply. I, therefore, wholeheartedly support Senate Bill 1343. Without it I am certain that Fossil Ridge will be destroyed on a piece-meal basis, with the cooperation and consent of the Forest Service, in precisely the same manner that Prince William Sound was destroyed. The only difference is that we cannot now be said not to have the benefit of hindsight.

One final comment. While waiting to testify at the Denver hearings (I did not do so because of the number of participants) I went across the street to the Denver Museum of Fine Arts. It presently has on display a remarkable selection of primitive arts including the Haida, Kwakiutl, Tlingit, Aleut. These people, said to be primitive, were far in advance of our own in regarding the earth as a sanctuary for which man was merely a trustee rather than/self-righteous exploiter.

Sincerely,

Frank M. Coleman

cc. Ben Nighthorse Campbell

1989 NOV -6 AM 11:18

NOVEMBER 1, 1989

HONORABLE SENATOR TIM WIRTH
SENATE SUB COMMITTEE PUBLIC LANDS
NATIONAL PARKS AND FOREST
[illegible] RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

SENATE SUB COMMITTEE,

DUE TO THE OCTOBER 20TH MEETING OF THE WILDERNESS PROPOSAL HEARING BY TIM WIRTH BEING FULL I WAS UNABLE TO OFFER MY TESTIMONY ON THE S 1545 BILL. I WISH TO STATE AT THIS TIME THAT I AM OPPOSED TO THIS BILL AND WISH TO ENTER INTO PUBLIC TESTIMONY MY DISAPPROVAL OF THIS BILL.

SINCERELY

Robt. G. Henchel

ROBERT G. HENCHEL, D.C.

1989 NOV -6 AM 11: 17

Honorable Timothy Wirth
Subcommittee on Public Lands
and Natl. Parks and Forest Lands
237 Russell Senate Office Bldg.
Washington, D.C. 20510

Senator Wirth,

This letter is in reference to Wilderness Bill #S1343.

I was present on October 28, 1989 for the public hearing concerning this bill. Due to time constraints I was unable to testify. Please let your records show that I am against your Wilderness Bill #S1343.

Respectfully,
Michael Zugg

1989 NOV -6 AM 11: 18

November 1, 1989

Senator Wirth,

Please add this statement to the public record for the subcommittee hearing that took place October 28 in Denver. I was unable to speak then due to time restraints.

I am opposed to your wilderness bill, S-1343. While I don't oppose the concept of wilderness, I don't agree with the boundaries of your latest proposal. The Wirth/Armstrong compromise bill of 1986 was closer to what I believe are fair boundaries, with only one or two exceptions.

Sincerely,

Debra Hughes

Debra Hughes
2201 So. Dearborn
Aurora, CO 80014

1989 NOV -6 AM 11: 18

October 31, 1989

Senator Wirth:

Please add this statement to the public record as I was unable to be at the subcommittee hearing that took place October 28.

I am opposed to your wilderness bill, S-134. I agree with the concept of wilderness yet I do not agree as to the areas set forth in your bill.

Sincerely,

Wm. G. Olson
William G. Olson
8514 W. Swarthmore Pl.
Littleton, CO

Dear Senator Wirth, [redacted] 10/31/89

I want to thank you for submitting your wilderness bill to the Senate. I would like to go on record as being a supporter of the bill.

1989 NOV -6 AM 11: 15

I have had the good fortune to have visited a number of beautiful wilderness areas in Colorado. My personal experience of hiking in pristine natural areas has been one of healing, regeneration and becoming connected once again with the core of my being. I am writing today to support the wilderness bill because wilderness is important to me personally *and* because I feel that wilderness is an important asset to our state and to our society as a whole. In a society that is ing increasingly urbanized and stressful, it is crucial to have unspoiled wilderness areas where we beleaguered human beings can go to renew and regenerate our souls.

We have a tremendous obligation to preserve wilderness for our children and their children. Where will future generations go to rediscover themselves, to experience the ecstacy of connecting with the wild natural world if we are not careful and thoughtful and prudent today? Wilderness preservation is a good investment in the future!

Sincerely,
Penny Currier
2756 S. Madison
Denver, Co. 80210

Boulder, 6 November 1989

Senate Subcommittee on Public Lands
380 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator:

I am writing in support of S. 1343, the Colorado Wilderness Act of 1989. This bill is an important compromise that protects water rights while adding to the designated wilderness area in the state.

Under this bill, 94% of Colorado's wilderness area will remain open to recreational and grazing use, and 77% of national forest acreage will still be accessible as well. This bill doesn't go as far in expanding designated wilderness as has been recommended and protects headwaters without affecting downstream water rights.

Thank you for your vote in support of preserving wilderness in Colorado.

Sincerely,

Patricia F. Moore

PATRICIA F. MOORE
445 S. 45th St.
Boulder, CO 80303-6047

Senator
Chairman, Senate Subcommittee
White House
Washington D.C.,
November 3, 1989

Dear Senator,

I am writing to ask that you strongly support the present Colorado Wilderness Bill for the following reasons: (S 1343)

1. Colorado needs wilderness. The ecological integrity of the Rocky Mountain region can only be sustained by retaining as many intact tracts of lands as possible.

2. The U.S. can reduce its demand and need to log the forests by eliminating exports of forests and our national heritage.

3. Sacrificing wilderness for below-cost timber sales is sacrilegious.

4. There is adequate land for motorized recreational vehicles already. Compare your road and wildlife budget allocations.

5. Water quality for a major part of the western U.S. is produced by the headwaters of watersheds within the Colorado Wilderness Bill. That means Los Angeles, Las Vegas, Arizona, New Mexico, Denver, etc.

6. Consequently, ANY wilderness designation and all current public lands legislation MUST include inherent water rights for the animals, plants, soils and ecological systems. To do otherwise is to undermine the intent of designations from the start.

My great-grandparents lived in Colorado because wilderness was a way of life. Our generations have continued. Those of us that live in Colorado, as well as those downstream and those who visit, need wilderness. Please support the passage of Senator Wirth's Bill without any reduction in acreage or omission of inherent water rights.

Thank you for your time and consideration in this important matter.

Sincerely,

Nina C. Williams

Nina C. Williams
Gold Hill
Boulder, CO 80302-9771

CC:
Senator Armstrong
Senator Wirth

ROGER FLYNN
812 13 ST
Boulder, CO 80302

NOVEMBER 6, 1989

DEAR U.S. SENATE (FOR THE PUBLIC RECORD),

I AM WRITING TO SUPPORT S.1343, 'COLORADO WILDERNESS ACT OF 1989.' THIS COMPROMISE BILL PROTECTS OUR DWINDLING NATURAL HERITAGE WITHOUT SACRAFICING THE RIGHT OF COLORADO'S CITIZEN'S TO MEET OUR GROWING WATER NEEDS. IN ADDITION, COLORADO'S ECONOMY WILL BE SUBSTANTIALLY IMPROVED VIA IMPROVED TOURISM REVENUES GENERATED THROUGH WILDERNESS VISITATION. ALTHOUGH THERE ARE THOUSANDS OF REASONS TO SUPPORT THIS BILL - THE COMBINATION OF WATER RIGHTS PROTECTION AND ECONOMIC BENEFITS MAKES THIS A 'CAN'T LOSE' PROPOSITION. THANK YOU VERY MUCH,

SINCERELY,

Roger Flynn

2545 Panorama Ave
Boulder, CO 80304

6 Nov. 1989.

Dear Senator;

Although I was unable to attend Senator Wirth's public forum on S. 1343, I would like to express my support for the Colorado Wilderness Act of 1989.

I have moved to the West from Michigan because of my love for the mountains. I enjoy living and working just hours from the peace and serenity of the mountain environment. Like many others, the ultimate "get away" for me is not from a heated RV with a satellite dish, its a 5 mile hike into an area *without* a sign of civilization. It's important to me that Colorado keep all areas possible in a Wilderness state. This bill will not destroy existing rights, it is a compromise bill and a good one too.

We need to preserve all that we can now, before it is too late. Once Wilderness is gone, it is gone. Preserve the beautiful, untouched areas of Colorado - both for us and our children and our grandchildren.

Thank you,

Katherine Mackey

11-6-89

DEAR COMMITTEE MEMBERS,

I AM WRITING TO URGE YOU TO SUPPORT THE COLORADO WILDERNESS ACT OF 1989, SENATE BILL # 1343. IN THESE TIMES OF INCREASED ANXIETY AND STRESS ARISING OUT OF THE GREAT DEMANDS OF THE JOB MARKET AND OUR AMERICAN LIFESTYLE, AS WELL AS THE GLOBAL CONCERNS CONSTANTLY PUBLICIZED, PEOPLE NEED PLACES TO WHICH THEY CAN ESCAPE. THERE IS NO PLACE BETTER TO GET AWAY FROM ALL THE PRESSURES OF OUR SOCIETY THAN A WILDERNESS AREA. WHEN YOU CAN GET TO AN AREA WHERE CARS & OTHER MOTORS AREN'T ALLOWED, WHERE NO TOURISTS SHOPS EXIST OR PHONES RING - YOU REALIZE WHY THE PIONEERS RISKED ALL TO COME WEST & SUNG ITS PRAISES. TO SEE THE LAND IN ITS ORIGINAL STATE WITHOUT THE INFLUENCE OF MAN MAKES YOU PRAISE THE EFFORTS OF PEOPLE WHO CAME BEFORE AND PRESERVED SUCH A SIGHT FOR US. WON'T YOU BE THE ONES PRAISED BY OUR CHILDREN AND GRANDCHILDREN FOR SAVING THEM THE SIGHT THAT BRINGS SUCH JOY TO THE HEART IN A WORLD WHERE JOY IS HARD TO COME BY? ONCE AGAIN, I URGE YOU TO SUPPORT S. 1343 AND PRESERVE COLORADO WILDERNESS.

SINCERELY,

LONGMONT, COLORADO

ENVIRONMENTAL LAW SOCIETY
University of Colorado at Boulder • School of Law
Campus Box 401 • Boulder, Colorado 80309
Telephone 303-492-8073

Nov. 6, 1989

Dear Senate Subcommitee on Public Lands...,

I am writing today on behalf of the over 70 members of the University of Colorado Environmental Law Society in support of S. 1343 'Colorado Wilderness Act of 1989'. The combination of protection of existing water rights and economic benefits makes this compromise bill a worthy addition to the National Wilderness Preservation System. I urge you to realize that this Act is in the highest interests of not only Colorado's citizens but the American people as a whole. Thank you very much.

Sincerely,

Roger Flynn

Roger Flynn
Co-President
Univ. of Colo. Env. Law Society

Nov 6, 1989

Dear Senator,

I wish to support S. 1343
Colorado Wilderness Act.

As a city planner, I know of the benefit of wilderness to the well-being of our people. Please support this action.

Respectfully.

Richard V. Figoz

November 6, 1989

KRISTEN OLSON
312 Snyder Mt Rd
Evergreen CO 80439

Senate Subcommittee on Public Lands
380 Russell Senate Office Bldg.
Washington DC 20510

Dear Senator Wirth et al,

I spoke in favor of S.1343 at the hearings in Denver and wished to expound on the reasons for my strong support of the Colorado Wilderness Bill of 1989.

My husband and I plan to have children one day. It used to be that prospective parents were concerned primarily with whether their personal resources were sufficient to support a child. Today, as prospective parents, my husband and I must seriously consider whether this planet has sufficient resources — in the form of clean air, clean water, trees, wild life — to support our child. Visionary legislation such as S.1343 is one important step toward preserving this planet for the future.

Sincerely

Kristen Olson

Deirdre C Jackson
1921 Walnut #104
Boulder, CO 80302

4 November, 1989

Dear Senator,

I am writing to express support for the Colorado Wilderness Act of 1989 - S. 1343. Although the Colorado economy is heavily dependent upon the proceeds of the ski/recreation industry, the designation of new areas and the expansion of existing areas for wilderness purposes is very important. As a resident of Boulder, CO, I live with an hour of the Indian Peaks Wilderness area, which is a wonderful place to hike and enjoy wildlife. Colorado ranks only 8th in the nation in wilderness areas. There are so few areas of the country designated solely for wilderness purposes while there are many supporters of Wilderness all across the country. Please support this bill.

Sincerely,
Deirdre C. Jackson

11/6/89

Dear Committee,

I am writing in support of the Colorado Wilderness Act of 1989, S. 1343. I am a native of Colorado and the state's mountain wilderness areas have influenced my decision to remain here. Our population is growing, more cars are being driven and residential/commercial development is expanding onto wilderness areas. I am not opposed to development and this is exactly why I support S. 1343. It is not an anti-progress bill, but rather a compromise between environmental concerns and development concerns. Tourism is a major source of revenue for Colorado and undisturbed wilderness area is a significant component of attracting tourists to our state. Personally, I appreciate both the opportunity to enjoy Colorado's developed ski areas and the right of persons to develop mountain areas as well as the opportunity to enjoy the natural beauty of undeveloped areas. This bill accomplishes both.

Sincerely

Tim Bakken

David Lawrenz
2939 Marine St #309
Boulder CO 80303

November 6, 1989

Dear Senator,

I attended Senator Wirth's public forum on S. 1343 in Denver on October 31. The turn-out was impressive, both in the range of opinions expressed and in the geographic areas of Colorado represented. I would say that the citizens who spoke in favor of S. 1343 outnumbered those opposing it by 10 to 1. It seemed clear to me that Coloradans firmly supported Sen. Wirth's bill. Speaking for myself, I feel that the importance of current economic development pales in comparison with the need to preserve wild areas for future generations. There are few enough areas of this country that could potentially be added to wilderness designation; Colorado is rich in areas outside of potential wilderness that can be mined, and used for grazing and other economic purposes. An increase in wilderness areas could also help Colorado's economy, by boosting the amount of hiking, canoeing, cross-country skiing and other recreational uses. Colorado should preserve its national reputation as a wild, beautiful state. I hope you will work for passage of S. 1343.

Sincerely David B. Lawrenz

JONI ELLIS
RIVER TOURS INDIVIDUALIZED TRIPS — PROFESSIONAL GUIDES

Nov. 6. 1984

Allison L. Spalding
312 Dirkesen Bld.
Washington D.C. 20510

Dear Ms. Spalding,

I am writing in support of Senate Bill 1343. I feel that this has been needed for a long time and hope that people will continue to be more aware of the environment.

Sincerely,

Joni Ellis

Joni Ellis

P.O. Box 764 • Dillon, Colorado 80435 • (303) 468-1028

Oct 28, 1989

To Senate Subcommittee for Public Lands,
National Parks etc.

Add my voice to all the others who strongly support S. 1343.

Economic issues - timber, mining, oil & gas, AND recreation aside - wilderness should be preserved for its OWN sake - for the wild things already present and their succeeding generations.

The language in the bill on water rights is reasonable. This is the Common Sense Wilderness Bill. Of course Wilderness needs water - protected water. The requirement for Wilderness Area managers to stand in line at Water Courts for this decree is going far enough.

The modest amount of land to be designated Wilderness in this bill should find no objection.

I emphatically urge passage of S. 1343 out of committee.

Sincerely,

Karin Lindquist
1026 Morgan
Fort Collins CO 80524

P.O. Box 156
Gardner, Co. 81040
October 26, 1989

The Honorable Tim Wirth
United States Senate
Washington, D.C. 20510

Dear Sir:

I am a middle aged woman who has quit a secure and prestigious job working for the Division of Developmental Disabilities in the state of Colorado. I have done this in order to care for my aging mother who had been institutionalized. Needless to say, we live on a limited income in a poor county in rural southern Colorado.

The major redeeming grace to this lifestyle is the awesome beauty and magnificence of the surroundings we live in. It is the wholesomeness and relatively untouched condition of this area that compensates for miles of difficult roads, high unemployment etc. etc. I live here because of the wilderness.

I am counting on you to support the crucial Colorado Wilderness Bill. I would hope that it will be expanded to include the Lilly Lake and Blanca Basin areas. I understand that the bill is already greatly compromised and this is unfortunate as Colorado ranks near the bottom of the western states in protected wilderness areas.

Thank you for your attention in this matter.

Yours truly,
Malka Eisgrau

27 October 1989

Hon. Tim Wirth
and Senate Energy Committee
United States Senate
Washington, DC

Dear Senator Wirth and Senate Energy Committee:

We write in support of S1314, the Colorado Wilderness Bill, and efforts to obtain protection for the areas which it encompasses.

Please include the Blanca Basin, Lily Lake area in the bill, and as much additional acreage on the eastern slope of the Sangre de Cristo mountains as possible, especially near the Rainbow Trial. Please exclude the Greenhorn Highway (known locally as Ophir Creek Road) on the south side of Greenhorn Mountain. Please consider carefully these suggestions when finalizing the bill.

We appreciate all the work done on this bill. It is now time to pass a Colorado Wilderness Bill into law.

Sincerely,

Lana Thomas

Lana Thomas
25425 Hwy 69
Gardner, CO 81040

Steve Watt

Steve Wachterman
25425 Hwy 69
Gardner, CO 81040

To: Senate Hearings on Wilderness Oct. 27, 1989

Wilderness areas are invaluable not alone for their aesthetic and recreational qualities, but also as scientific preserves containing native plants and animals that have elsewhere disappeared. AT least 22 different species of mammals, birds and fishes have forever disappeared from this continent so far. Each species on earth performs a unique function which adds to the natural balance of nature. In order to preserve the miraculous living diversity of planet Earth the remaining wild areas must be left as wilderness. The gene bank of wilderness is the most important source of vital organisms that form the chain of life. The accelerating world wide extinction of species is causing permanet impoverishment of life on the planet. To alter the origional material of nature or wilderness ecosystems is to neglect their larger purpose in the scheme of Nature. Wilderness areas act as ecosystems for these endangered species.

Planet Earth is our only biological life support system. Without wilderness the earth will become unhealthy. An unhealthy planet will support unhealthy beings! The destruction of our country's last remaining wilderness and their ecosystems are clear threats to the health and welfare of the American people.

As citizens we have the responsibility to preserve wilderness and wildlife for future generations When the wonders of wilderness have been destroyed, youth will no longer have a place to go to experience wild life, nature and natural ecosystems.

Please pass the wilderness bill!

In wilderness is the preservation of the World.

sincerely,

Christopher A Bone
Christopher A. Bone
PO Box 356
Gardner Co, 81040
719-746-2371

STATEMENT OF DONALD MACDONALD

MR. CHAIRMAN, MY NAME IS DONALD MACDONALD AND I RESIDE AT 383 EXPLORER COURT #A, GRAND JUNCTION, COLORADO 81503. BY WAY OF A BRIEF BACKGROUND I AM A COLORADO NATIVE AND HAVE FOLLOWED OR BEEN INVOLVED IN ISSUES SURROUNDING THE USE OF PUBLIC LANDS FOR OVER 10 YEARS. FROM 1983 THROUGH 1985 I WAS ON THE STAFF OF SENATOR GARY HART WHERE I WAS INVOLVED WITH THESE ISSUES IN GREAT DETAIL. I WOULD ALSO LIKE TO TAKE THIS OPPORTUNITY TO THANK YOU AND THE MEMBERS OF THE COMMITTEE FOR THE OPPORTUNITY TO SPEAK ON THIS ISSUE.

IT HAS BEEN JUST OVER 25 YEARS SINCE CONGRESS, WITH GREAT WISDOM AND FORESIGHT, PASSED THE NATIONAL WILDERNESS PRESERVATION ACT. THIS ACT HAS ALLOWED THE NATION TO PRESERVE, IN A NEAR PRISTINE ENVIRONMENT, A NUMBER OF AREAS WHICH SERVE A VARIETY OF PURPOSES. IN COLORADO THERE ARE NOW SOME 2.6 MILLION ACRES IN THE NATIONAL WILDERNESS SYSTEM. IN THE PAST WHEN AREAS WERE CONSIDERED FOR A WILDERNESS DESIGNATION, THE MEMBERS OF THE COLORADO DELEGATION HAVE BEEN ABLE TO SUCCESSFULLY RESOLVE COMPETING ISSUES WITHIN THE STATE. AT THE SAME TIME THE DELEGATION KEPT IN MIND THAT THERE WERE LARGER NATIONAL INTERESTS THAT SOMETIMES TOOK PRECEDENCE OVER PAROCHIAL STATE INTERESTS. AS A RESULT OF THIS ATTITUDE COLORADO AND ITS CONGRESSIONAL DELEGATION PLAYED A LEAD ROLE IN THE BUILDING OF THE WILDERNESS PRESERVATION SYSTEM AND IN PARTICULAR THE COLORADO WILDERNESS ACT OF 1980 SET SEVERAL PRECEDENTS THAT HAVE BEEN OBSERVED BY DELEGATIONS FROM MANY STATES IN RESOLVING CONFLICTING PRIORITIES FOR PUBLIC LANDS.

UNFORTUNATELY HOWEVER IT SEEMS THAT COLORADO HAS LOST THAT LEADERSHIP ROLE ON THE WILDERNESS ISSUE. SINCE 1984 THE COLORADO DELEGATION HAS BEEN ATTEMPTING TO FINALIZE DECISIONS ON A NUMBER OF NATIONAL FOREST AREAS WHICH HAVE BEEN STUDIED FOR THE POTENTIAL OF WILDERNESS DESIGNATIONS. SINCE 1984 PAROCHIAL INTERESTS IN THE STATE HAVE BEEN SUCCESSFUL IN HALTING THESE EFFORTS. THE SADDEST ASPECT OF THE ENTIRE RECENT HISTORY OF WILDERNESS IN COLORADO IS THAT THE ISSUES BEING ARGUED HAVE IN FACT LONG BEEN SETTLED BETWEEN THE CONGRESS AND THE STATES. THOSE ISSUES OF COURSE REVOLVE AROUND THE SYSTEM OF WATER ALLOCATION PREVELANT THROUGHOUT THE WESTERN UNITED STATES.

PUT SIMPLY THE QUESTION IS, DO WILDERNESS AREAS CARRY WITH THEM A RESERVED WATER RIGHT AND IF SO HOW DOES THIS RESERVED RIGHT AFFECT THE RIGHTS OF THE HOLDERS OF OTHER WATER RIGHTS IN THE BASIN? THE QUESTION OF WHETHER THERE IS A RESERVED WATER RIGHT HAS BEEN ADJUDICATED AND JUDGE KANE OF THE FEDERAL DISTRICT COURT IN COLORADO HAS RULED THERE IS IN FACT A RESERVED WATER RIGHT ASSOCIATED WITH WILDERNESS AREAS. THIS IS IN KEEPING WITH ESTABLISHED LEGAL PRECEDENT GOING BACK OVER 80 YEARS. THE ONLY UNIQUE ASPECT OF THE RULING BY JUDGE KANE WAS THAT IT WAS THE FIRST TIME THE RESERVED RIGHT DOCTRINE HAD BEEN HELD TO APPLY TO WILDERNESS. IT OF COURSE APPLIES TO VIRTUALLY ALL OTHER RESERVATIONS OF LAND MADE BY THE CONGRESS. THERE IS ABSOLUTELY NOTHING RADICAL OR REVOLUTIONARY IN THIS CONCEPT. ONE WOULD HAVE THOUGHT HOWEVER THAT THE VERY FOUNDATIONS OF THE REPUBLIC HAD BEEN DESTROYED BASED ON THE REACTION OF CERTAIN INTERESTS IN THE STATE TO JUDGE KANE'S RULING.

THE QUESTION OF DOES A RESERVED WATER RIGHT IN WILDERNESS AREAS HARM OR HAVE THE POTENTIAL TO HARM THE HOLDERS OF OTHER WATER RIGHTS IS QUITE LEGITIMATE AND DESERVES TO BE CAREFULLY ANALYZED. A GREAT DEAL OF DISCUSSION HAS TAKEN PLACE IN REGARD TO THIS QUESTION AND CERTAIN INTERESTS IN COLORADO WOULD AGAIN LEAD ONE TO BELIEVE THAT THE HOLDERS OF OTHER WATER RIGHTS WILL BE DEPRIVED OF THEIR PROPERTY WITH OUT ANY RECOURSE OR COMPENSATION. THE FACTS SPEAK OTHERWISE. NO ONE HAS YET BEEN ABLE TO CITE A SINGLE SPECIFIC INSTANCE OF HARM OR POTENTIAL HARM TO ANY WATER RIGHT HOLDER IN THE STATE WHICH WOULD OCCUR FROM THE PASSAGE OF ANY WILDERNESS BILL CURRENTLY UNDER CONSIDERATION BY THE COMMITTEE. THE STATE WATER ENGINEER IN A 1986 LETTER TO MEMBERS OF THE COLORADO DELEGATION HAS STATED THIS POINT. THERE ARE IN FACT A NUMBER OF SAFEGUARDS IN PLACE OR PROPOSED WHICH SPECIFICALLY TREAT THIS ISSUE. FOREMOST AMONG THESE IS THE FACT THAT THE FEDERAL GOVERNMENT WOULD HAVE TO QUANTIFY ITS RIGHT IN ACCORADANCE WITH STATE LAW. THE REALITY OF THE SITUATION IS THAT THE WATER RIGHT FOR ANY WILDERNESS AREA WOULD BE A VERY JUNIOR RIGHT WITH LITTLE IF ANY IMPACT ON ANY WATER USERS. FINALLY OF COURSE WATER IN WILDERNESS AREAS IS A NON CONSUMPTIVE USE WITH NO DIMINISHMENT OF FLOWS TO DOWNSTREAM USERS.

THE PROVISIONS OF S. 1343 DEALING WITH THE QUESTION OF RESERVED WATER RIGHTS DO NOTHING TO IMPAIR OR HARM ANY EXISTING WATER RIGHT IN THE STATE OF COLORADO OR DOWNSTREAM STATES. THE ACTIONS OF JUDGE KANE AND THE LANGUAGE PROPOSED BY SENATOR WIRTH IN THE BILL BEFORE YOU TODAY ARE IN KEEPING WITH LONG ESTABLISHED PRECEDENT. THE PARTIES IN COLORADO AND IN OTHER STATES WHO ARE TREATING THESE ACTIONS AS A SACRILIGE, APPARENTLY HAVE NO OTHER CONCERN OTHER THAN A PAROCHIAL FEAR THAT THE FEDERAL GOVERNMENT SHOULD NOT BE ALLOWED ANY WATER RIGHTS AT ALL. THE LOGIC OF SUCH AN ARGUMENT IS LOST ON ANY RATIONAL PERSON. THE FEDERAL GOVERNMENT HAS AS MUCH RIGHT AS ANY OTHER PARTY TO A LEGALLY DEFINED WATER RIGHT.

THE QUESTION BEFORE THE COMMITTEE IS STRAIGHTFORWARD ENOUGH. SHOULD S.1343, INCLUDING ITS SENSIBLE PROVISIONS ON WATER RIGHTS BECOME LAW? I FEEL THE LEGISLATION PROPOSED BY SENATOR WIRTH IS VIABLE AND RESPONSIBLE, BOTH TO THE PEOPLE OF COLORADO AND TO THE NATION AS A WHOLE. IT IS UNFORTUNATE THAT ALL COLORADOANS HAVE BEEN UNABLE TO MAKE A CLEAR STATEMENT ON THIS ISSUE. IT HAS BEEN FIVE YEARS SINCE THE ISSUE WAS FIRST RAISED AND THE TIME HAS COME FOR AFFIRMATIVE ACTION. I URGE THE COMMITTEE TO TAKE THAT AFFIRMATIVE ACTION AND QUICKLY CLEAR THIS BILL WITH A POSITIVE RECOMMENDATION TO THE FULL SENATE. THANK YOU

Colorado Wool Growers Association
211 Livestock Exchange Building
Phone 629-6448
Denver, Colorado 80216

October 24, 1989

SUBJECT: Testimony on S.B. 1343 - Additional Wilderness

FROM: Nick Theos, Chairman, Public Lands Use Committee - Colorado Woolgrowers Ass'n.

Thank you for the opportunity to bring to your attention our concerns regarding S.B. 1343 or any other legislation for additional wilderness. I will summarize briefly on behalf of the Colorado Woolgrowers Association and enter this testimony for the record.

The Colorado Woolgrowers Association represents 400 ranchers who operate on private and multiple use or wilderness areas on the public lands. We have not opposed the existing wilderness areas and feel that two and six tenths(2.6) million acres is sufficient. Colorado does not need additional areas locked up to hinder economic development, particularly in Western Colorado. We are in favor of placing all public lands which are not already in wilderness areas, into multiple use. The reasons are many:

1. There are at least 80% more visitors, hikers, hunters, recreationists and campers using the multiple use areas as compared to those using the wilderness areas.

2. Very few people can get to the wilderness areas. Existing trails have been shut down by falling timber and nobody is willing to clean them since they have to use an axe in lieu of the outlawed chain saws.

3. Senior citizens and the handicapped are denied the opportunity to enjoy the beautiful areas which will be locked up forever.

4. Livestock grazing is allowed in the wilderness areas but it is very limited because of the difficulties encountered in packing in the tents and supplies and not being able to maintain any improvements and there is no fire control or predator control. Most of the wilderness area permits are vacant or on non-use now.

5. The water rights (Kane decision) issue is in an appeal status and not settled. Introducing and passing wilderness legislation at this time would set a precedence on additional wilderness now under study by the B.L.M.

6. Much of the acreage designated in S-1343 does not meet wilderness qualifications as there are existing roads, timber being harvested, mining claims, etc.

7. Most people in Colorado don't know or even realize what wilderness really means to the state. If the present ski areas were designated wilderness, Colorado would not have a multi-million dollar ski industry.

8. Even though the environmental groups state that 85% of the people of Colorado are for wilderness areas, we feel that those people don't understand what wilderness really is. Most of them think that wilderness means more access to public lands for recreation, motor bikes, jeeps, 4-wheelers, etc. But none of that is true. We feel that before any additional wilderness is designated, the public should be well educated on what it really means - that these lands will be locked up forever.

9. No one knows when the need for additional products will be required - such as minerals, oil, gas, food, fiber, lumber, recreation areas, water storage, etc. - So why lock it up as wilderness. What is wrong with multiple use under good management.

10. Game animals - deer, elk and antelope - cannot be managed in wilderness areas since very few, if any, hunters will harvest them in such hard to reach areas. They want to use their vehicles and 4-wheelers.

11. Colorado Woolgrowers Association is a member of the Colorado Multiple Use Coalition and concur with any and all testimony given by the other members of the Coalition.

In closing, we feel that the lands under multiple use concept serves over 90% of the public for everything from hiking and camping to timbering, grazing or mining. As long as they are under responsible management practices, they should remain so We also feel that 90% of the public share our concerns when they clearly understand what the wilderness concept really is.

FOR THE RECORD OF, THE SUB COMMITTEE HEARINGS FOR WIRTH'S WILDERNESS BILL

I RECENTLY GOT MARRIED AND I GUESS THE OLDER I GET THE MORE I REALIZE IN THIS DAY AND AGE, WE REALLY NEED TO FIGHT FOR THE BASICS OF THE PLANET. MY WIFE AND I ARE PLANNING TO HAVE CHILDREN AND I FEEL ANYTHING WE CAN DO TO PRESERVE THE NATURAL BEAUTY OF COLORADO FOR OUR CHILDREN AND THEIR CHILDREN IS WORTH PURSUING. THEREFOR I STRONGLY SUPPORT THE WILDERNESS BILL.

THANK YOU,

Greg R. Dey

GREGORY R. DEY

312 SNYDER MNT- RD.
EVERGREEN, CO
80439

Our family strongly supports passage of this bill (S-1343). It is past time! Let's pass this one.

L. Sharon Blocker
Ellis P. Copeland
Chad C. Blocker
Tasha K. Blocker

4625 Chippendale Dr.
Ft. Collins, Texas
80526

10/27/89

Mr. Chairman

I support Senator Wirths wilderness bill (S 1343).

This is a good and fair compromise to the issues we all are faced with right now.

I believe that nature has a right to prosper and develop as it sees fit with as little impact by modern man. This bill gives nature the right to do so.

I would also like for this time in the development of the great State of Colorado to be remembered as the people who conserved our natural resorces, not exploited them.

Thank you for the opportunity to say these feelings on the issue.

E K Pine

Box 3194
Steamboat Springs, Co
80477

To the Honorable Tim Wirth-

My name is Victoria Schlesinger and I'm a first year student at C.U. in Boulder. What I have to say comes much more from an ~~statistic~~ emotional level rather than a statistical or factual one. I felt sad after listening to the panalists this morning. It seemed so much time was spent picking over small selfish issues. I believe that because of the state of health of our earth now is the time for selflessness. Your bill does not hinder any of its opposers. If their reason for opposing it stems from their paranoia of future problems, they are being selfish. We have an immense problem right now, our earth is dying, although in a small way your bill is a step towards saving it. I fully support your efforts and admire your bravery in finally offering a solution to the water rights battle. Thank you for giving your time and energy to today's testimony and this bill over all.

Sincerely, Victoria Schlesinger

BLUE MESA FOREST PRODUCTS, INC.

P.O. BOX 460 • 11925 - 6530 RD.
MONTROSE, COLORADO 81402
PHONE 303-249-0812

October 27, 1989

The Honorable Dale Bumpers
Senate Committee on Energy and Natural Resources
Sub-Committee on Public Lands, National Parks and Forests
Dirksen Senate Office Building, Room 366
Washington, D.C. 20510

RE: S.1343 Colorado Wilderness Act of 1989

Dear Senator Bumpers:

Blue Mesa Forest Products, Inc. is very interested in seeing the Colorado wilderness controversy resolved. Blue Mesa is dependent upon Federal timberlands for a steady supply of logs - the majority of the volume we process comes off the Grand Mesa, Uncompahgre and Gunnison National Forests. This Federal timber provides employment for over 60 loggers and another 60 people at our sawmill.

Blue Mesa Forest Products, Inc. is specifically interested in three proposed wilderness areas in our local National Forests - Fossil Ridge, Oh-Be-Joyfull and Cannibal Plateau . . . . .

> Fossil Ridge has a significant volume of standing timber that would support a long term sustained yield of 8,000,000 board feet annually. If withdrawn from commercial use, this loss would have a strong negative impact on the long term, stable supply of timber in our area. This land is best suited for multiple use management that would provide many benefits to our society. None of the lower elevation area suitable for commercial timber should be withdrawn.
>
> Oh-Be-Joyfull does not meet the requirements for wilderness set forth in the Wilderness Act of 1964. It has a significant number of roads, trails and mines within the proposed boundaries. The area clearly shows the works of man.

> Cannibal Plateau, as proposed by Senator Wirth, includes over 8 miles of roads, numerous motorized vehicle trails and many mines. The majority of lower elevation country does not meet the requirements for wilderness.

It is time to resolve the Colorado wilderness issue so that the National Forests can proceed with managing the land. Colorado does not need any more study areas or further planning areas. To help settle the issue, all areas outside designated wilderness need to be released for multiple-use management.

Sincerely,

Gary Erickson
General Manager

GE:laf

My Name Is Larry J John. My Family Has Lived And 4 Wheeled In Colorado Since 1957, Long Before Any Wilderness Designation In Colorado. When Wilderness Came Along In 1964, It Sounded Like A Great Concept.

Now 25 Years Later, Wilderness Is Still Being Added To. I Think Enough Is Enough. How Long Will This Go On? Until Every Acre Of Federal Land Has Wilderness Designation?

My Family And In Particular My Daughter, Angie, Has Been 4 Wheeling As An Organized, Responsible 4 Wheeler, With An Organized Club, Since 1977. Now Angie Is Old Enough To Drive, And Senator Wirth's Wilderness Bill Wants To Close More Trails That She Has Looked Forward To Driving. One Trail In Particular Is The Trail Going Up Blanca Peak.

Senator Wirth's Bill And Future Bills Will Also Block Off Additional Land For Use To Such Handicapped People As My Father, Who Has Polio. He Has Less And Less Access To The Colorado That He Has Used And Loved Since 1957.

I Feel Motorized Corridors Can Be Set Aside In Most Wilderness Designations. This Will Provide Access That Is Presently Being Used And Will Still Provide Additional Wilderness Areas For Future Genations To See And Use In Their Natural State.

Senator Wirth's Wilderness Bill Appears To Purposefully Include Motorized Trails. Surely This Is Not The Case? I Feel As I Have Stated Above, Corridors Can Be Used To Satisfy All Users Needs, Witness Medeno Pass In The Sangre De Cristo Mountains And The Holy Cross 4 x 4 Trail In The Holy Cross Wilderness Area

Respectfully Submitted
Larry J. John

3299 So. Fairplay St
Aurora, Co 80014

Senate Subcommittee Hearing 10/28/89

I personally need to escape to wilderness for solitude, a chance to experience nature, a chance to possibly breathe some clean air, and to escape the sound and fury of all cars and machines.

I therefore support Wirth's wilderness bill.

We need to be far-sighted and look at the long-term importance of wilderness for wildlife, watersheds, and recreation for both tourists and natives of Colorado.

Jan Holt
3152 10th St.
Boulder, Co. 80304

10/26/89

Dear Senator Worth,

Wilderness bill #S1343 is a good bill protecting our premative areas. Our Boy Scout Troop 471 of Gunnison Colorado would like to be put on record as being in favor of this bill.

We went on a hike on the fostle ridge proposed premative area. We saw bever, deer, chipmunks, marmets, and lots of birds. We hope this will alway stay a wilderness so our children can see the same animals also.

Sincerely

Luke Ross
Aundrea Lewis
RJD Killpack
Jesse Ross
Tom Ezra
Mike Berry

Steven Robertson
Jeromy Robertson
Trey Lewis

Eunice Ross Scoutmaster

ROGER COX
Box 45
PITKIN, CO 81241

10/24/89

DEAR SENATOR WIRTH -

I support passage of your S 1343 WILDERNESS BILL, for wilderness protection of 750,000 acres, especially the FOSSIL RIDGE area.

When congress considers this bill, they should consider what we are currently leaving behind for future generations. We're leaving pollution and a large national debt. Let's also leave these wilderness areas for our children to enjoy the natural beauty.

Thank you for holding these hearings in Colorado.

Sincerely,
Roger Cox
Roger Cox

COGSWELL AND EGGLESTON, P. C.
ATTORNEYS AND COUNSELORS AT LAW

ONE UNITED BANK CENTER
1700 LINCOLN STREET, SUITE 3500
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HELENA, MONTANA 59601-5036
TELEPHONE 406 449-6609
TELECOPIER 406 449-0112

1120 PARK AVENUE
MONTE VISTA, COLORADO 81144-1740
TELEPHONE 719 852-4435

October 27, 1989

The Senate Subcommittee
on Public Lands, National
Parks & Forests
Chairperson
c/o Office of U.S. Senator Tim Wirth
1129 Pennsylvania Street
Denver, CO 80203

HAND DELIVERED

Attn: Wilderness Hearing

Dear Chairperson:

We are writing to support Senator Wirth's Wilderness Bill (S. 1343). We request that this letter be included in the hearing record for the hearing on S. 1343 that is to be held before the Senate Subcommittee on Public Lands, National Parks & Forests in Denver, Colorado on Saturday, October 28, 1989.

As environmental attorneys, whose practice is dedicated to the protection, preservation and restoration of the environment, we are repeatedly confronted by the failure of individuals, corporations and the government in this country to take constructive steps to address environmental issues until it is too late. We are therefore pleased to support Senator Wirth's measure, which we believe shows the foresight to protect wilderness and enhance the quality of life not only of the citizens of Colorado, but also for the entire country as well.

We strongly believe that our natural resources should be preserved for our and future generations. Unless we take measures, such as those contemplated by the Wirth bill, we will leave our children with a legacy of environmental degradation, not environmental assets. As the report of the National Conservation Commission stated:

> The resources which have required ages for their accumulation, to the intrinsic value and quality of which human agency has not contributed, [for] which there are no known

> substitutes, must serve as the welfare of the nation. In the highest sense, therefore, they should be regarded as property held in trust for the use of the race rather than for a single generation and for the use of the nation, rather than for the benefit of the few individuals who may hold them by right of discovery or by purchase.

These words, written over eighty years ago, still ring true today. We, as a nation, can no longer act to disregard wantonly our roles as stewards for protection of the environment. We must take concerted action. Because the Wirth bill takes positive measures to protect the wilderness of Colorado, we urge its passage.

Sincerely,

Shawn P Mulligan
Shawn P. Mulligan

Carolyn L Buchholz
Carolyn L. Buchholz

SPM/dlr

H. Anthony Ruckel
ATTORNEY AT LAW
1123-C DELAWARE STREET
DENVER CO 80204
(303) 629-0500

Testimony presented at Colorado Wilderness Act Field Hearings
on behalf of Sierra Club, Enos Mills Group.
Denver, Colorado, October 28, 1989

My name is Tony Ruckel. I am speaking as Chairman of the Enos Mills Group of the Sierra Club. The Enos Mills Group, with 2,500 members, includes Denver, Aurora, and parts of Adams and Arapahoe Counties.

We heartily endorse Senate Bill 1343, the Colorado Wilderness Act of 1989. Senator Wirth has done an excellent job of removing the reserved water rights problems from this legislation. The proposed wilderness areas, ten new areas and eight additions to existing areas, are all headwaters areas. Water interests that continue to oppose wilderness for these lands will now be doing so out of ignorance or to satisfy some hidden agenda.

The provisions for water rights and water resources review and protection in Title III regarding the Piedra and Purgatory Flats wilderness study areas, and in Sec. 17 of Title I regarding the Williams Fork further planning area, provide for comprehensive study of both the wilderness values and the potential for development of water resources before decisions are to be made. The proposed Act also assures that parties holding valid pre-existing rights are protected. Finally, any remaining RARE II areas not the subject of this Act are released to multiple use.

All in all, this bill gives wilderness status to a good portion of Colorado's remaining wilderness lands, led by the premier Sangre de Cristo area, and it assures water development and multiple use proponents that their interests will be protected.

The Enos Mills Group, as the largest Denver area group of the Sierra Club, also wishes to address some of the present economic realities of the State of Colorado, and the role of wilderness as an economic benefactor.

Colorado's economic history is more a "boom and bust" history than we would wish. Minerals, and their exhaustion, or their replacement, or discovery in quantity elsewhere, wax and wane. Oil and gas has performed in almost identical fashion. High-tech industries live in a world where one planning or product error can have a drastic impact, and Colorado's high-tech companies have not been immune. We presently enjoy a disproportionate share of defense dollars. In the era of "glasnost," we may find that economic impetus reduced.

Through all of these boom and bust cycles, the economic benefits of one resource, have steadily increased and show no signs of a traditional "bust" cycle --Colorado's natural beauty and its wild, mountainous terrain. Each year millions of dollars are spent by hikers, campers, hunters and other outdoorsmen. And while national recessions do affect the economics of Colorado's beauty, the impact is never the more traditional bust, for the amount of reduction is relatively small, and the associated activities bounce back quickly.

Wilderness lies at the heart of this natural bounty. It is the climax of the camper or hiker's journey, it provides calving grounds and summer ranges for the State's game animals, it spawns the rivers that are fished below and it provides the summer alternative for our ski area resorts which must have been year-round revenue. The only cost associated with these economic benefits are the administrative cost of limited management of wilderness lands and the policing of wilderness boundaries. In brief, wilderness is the most reliable, and the least subject to the vagaries of financial or economic markets, of all of Colorado's natural resources.

The Enos Mills Group urges Congress to pass S. 1343.

MY NAME IS ALAN FREDERICKSON

I LIVE IN EVERGREEN, COLORADO

I AM AN ARCHITECT

MOST OF MY BUILDINGS UTILIZE LUMBER IN THEIR DESIGN.

OUR FORESTS ARE A RENEWABLE RESOURCE FOR THE PRODUCTION OF WOOD PRODUCTS.

I DRINK WATER FROM TIME TO TIME

WE ALL NEED AN ADEQUATE SUPPLY OF CLEAN WATER

I EAT FOOD ALMOST EVERY DAY

IRRIGATION FARMING HELPS ME STAY ALIVE

PERMANENTLY DEDICATED WILDERNESS AREAS ARE LIVING REMINDERS OF THE PRISTINE AMERICA OUR ANCESTORS DISCOVERED. I NEED THESE PLACES OF NATURAL GRANDEUR TO NOURISH MY SOUL. I DO NOT BELIEVE THAT LAND OWNERSHIP CONVEYS THE RIGHT TO POLLUTE AT WILL, DISFIGURE AS WE CHOOSE AND RENDER OUR GOD-GIVEN NATURAL ENVIRONMENT USELESS FOR GENERATIONS TO COME.

I HAVE TWO POINTS TO MAKE:

FIRST - IF WE ARE WISE AND MANAGE OUR NATURAL RICHES WITH WISDOM , THERE IS ENOUGH FOR ALL OF US, NATURALISTS, CONSERVATIONISTS, DEVELOPERS, MINERS, LOGGERS, PETROLEUM PRODUCERS, RANCHERS, WATER BOARDS AND A FEW THIRSTY PEOPLE FROM CALIFORNIA THROWN IN FOR GOOD MEASURE. WE CAN ALL HAVE WHAT WE NEED. NOTICE I DID NOT SAY WE CAN ALL HAVE WHAT WE WANT.

SECOND - IF THERE IS ENOUGH FOR ALL, WHY MUST WE HAVE THIS MANIACAL DIVISION OF PEOPLE INTO OPPOSING CAMPS?

LET THE DEVELOPERS AND CONSERVATIONISTS STOP THIS MINDLESS CATEGORICAL OPPOSITION TO EACH OTHER. EACH HAS HIS LEGITIMATE CONCERNS. THE NATURALIST WANTS A ROOF OVER HIS HEAD WHEN HE GETS BACK FROM CAMPING OUT. THE DEVELOPER LIKES TO GO FISHING WHEN HE GETS OFF HIS TRACTOR. LET'S COMPROMISE. SEEING THE OTHER FELLOWS POINT OF VIEW IS, OR WAS, THE AMERICAN WAY. SENATOR WIRTH'S BILL IS A COMPROMISE. HE HAS CONSIDERED THE NEEDS OF ALL HIS CONSTITUENTS. THE BIRD-WATCHERS AREN'T ASKING FOR THE MOON. THIS BILL INCREASES OUR STATE'S WILDERNESS AREA BY SOMETHING LIKE ONE PERCENT. WE'RE NOT TALKING ABOUT PUSHING BOISE-CASCADE OVER THE BRINK OF BANKRUPTCY. SENATOR WIRTH'S BILL HAS MY WHOLE-HEARTED SUPPORT.

OUR NATIVE AMERICANS HAD NO CONCEPT OF LAND OWNERSHIP. FOR THEM THEIR ENVIRONMENT WAS A GIFT TO BE CARED FOR AND PASSED ON UNSULLIED TO THEIR CHILDREN. WE WILL NOT BE FORGIVEN FOR DESTROYING THE NATURAL MAGNIFICENCE OF OUR NATION.

DOLORES WATER CONSERVANCY DISTRICT
1ST & CACTUS STREET-P.O. BOX 1117 -CORTEZ, COLORADO 81321
(303) 565-7562

P.O. Box 745
Lewis, Colorado 81321
August 11, 1989

Sub Comm. Public Lands, Nat Parks & Forests
United States Senate
308 Senate Dirksen Office Bldg
Washington D.C. 20510

RE: Oppose S. 1343

Dear Senator Bumpers, Chairman

Enclosed is Dolores Water Conservancy District Resolution # 89-09. It was adopted at the August 10th regular meeting of the Board of Directors.

Their concern is not to oppose designation of additional wilderness areas. Their concern is the cloud of uncertainty that upstream designations potentially create for future downstream designations.

Since all of the diversion from McPhee Reservoir is out of the Dolores basin, except the downstream fishery release, a wilderness area designated below McPhee Reservoir, if given a federally reserved water right, could be devastating to the users of McPhee.

Please consider these concerns and do not vote to enact S. 1343.

Respectfully,

Bruce C. McAfee

Bruce C. McAfee, President
Dolores Water Conservancy District

DOLORES WATER CONSERVANCY DISTRICT

RESOLUTION # 89-09

A RESOLUTION TO OPPOSE S. 1343

WHEREAS, the Dolores Water Conservancy District is the local public entity, whose purpose it is to operate, maintain and protect the integrity of McPhee Reservoir, Dolores River Reclamation Project, in Montezuma and Dolores Counties, Colorado, and

WHEREAS, all of the consumptive use of water from McPhee Reservoir, except the release provided for the downstream fishery, is a trans-basin diversion, and

WHEREAS, there is a Wilderness Study Area on lands administered by the Bureau of Land Management on the Lower Dolores River, downstream of McPhee Reservoir, in Western Colorado; and

WHEREAS, the potential of an implied federally reserved water right for said wilderness area, if ever created, would adversely impact all diversions from McPhee Reservoir, by directly diminishing the available water supply.

RESOLVED, that the Board of Directors of the Dolores Water Conservancy District do hereby oppose enactment of S. 1343, because of the potential precedence established for the Lower Dolores Wilderness Area.

BE IT FURTHER RESOLVED, that the Dolores Water Cconservancy District favors a negotiated settlement of all wilderness area water rights prior to any further designations.

ADOPTED THIS 10TH DAY OF AUGUST 19 89 .

Bruce C. McAfee

BRUCE C. MC AFEE, PRESIDENT

Dudley Millard

DUDLEY MILLARD, SECRETARY

CERTIFICATE

I hereby certify that the above resolution is a true and correct copy of Dolores Water Conservancy District Resolution # 89-09, adopted August 10, 1989.

John Porter

JOHN PORTER, GENERAL MANAGER
DOLORES WATER CONSERVANCY DISTRICT

October 28, 1989

Senate Sub Committee on Public Land, National Forests and Parks
Denver City & County Building
Senate Bill 1343

Wilderness Designation Concerns

Dear Sirs:

As a Colorado resident since 1964 and a very avid outdoor recreationalist, I have many concerns and comments about the new wilderness proposals. In the summer I often use a motorcycle as my means of transportation through the mountains. I participate in many outings with family and friends. I also provide an off road motorcyle guide service that enables many people from all parts of the country to enjoy the scenic beauty of the back country in the Colorado Rockies. My travels have encompassed all parts of the state and I usually ride two to three thousand miles each year. I also hike, camp, ski and bicycle in the mountains but it is from my point of view as an off highway vehicle user that I am commenting.

The following are comments and concerns about each area as proposed:

American Flats (Big Blue), Uncompahgre N.F.: The BLM recommendation is acceptable.

Bill Hare Gulch and Larson Creek WSA's (BLM), Uncompahgre N.F.: I do not have any complaints except that the BLM has not made any recommendation and the areas adjoin a highway.

Buffalo Peaks WSA, Pike N.F. and San Isabel N.F.: This is one of many areas in which I question why the Forest Service recommendation is not being followed. It is entirely acceptable.

Cannibal Plateau FPA (as an addition to the Powderhorn Primative Area), Gunnison N.F.: The recommendation by the Forest Service is acceptable.

Davis Peak FPA, Routt N.F.: Why has Senator Wirth extended the borders beyond the Further Planning Area and onto designated multiple use lands? Any extension of the Mt. Zirkel Wilderness to the west of its present boundaries is completely unacceptable. The area between the Mt. Zirkel Wilderness boundary and Hahns Peak has numerous existing trails and roads supporting motorized recreation. An organized motorcycle competition has been held in this area for many years. The trails and roads are well maintained and are used by motorized recreationalists throughout the year. The Forest Service recommendation, except for the area to the west of the existing wilderness, is acceptable.

Greenhorn Mountain WSA, San Isabel N.F.: The Forest Service recommendation is acceptable.

Wilderness Designation Concerns

Fossil Ridge WSA, Gunnison N.F.: This area is unacceptable in its entirety. This area was not recommended by the Forest Service as suitable for wilderness designation. Senator Wirth has again blatantly extended his boundaries beyond the Wilderness Study Area onto land agreed upon in the 1980 Colorado Wilderness Act as multiple use. The Forest Service recommending against including this area has also been ignored.

Lost Creek FPA, Pike N.F.: This area is unacceptable as wilderness. It is a popular snowmobile riding area. It was not recommended by the Forest Service for inclusion as wilderness.

Oh-Be-Joyful WSA, Gunnison N.F: This proposal is unacceptable. It contains a 4WD road and several hiking/mountain bicycle trails. Could this area because of its unique natural beauty be preserved as a "Scenic Area" and still allow motorized travel on the existing road?

Piedra WSA, San Juan N.F.: The Forest Service recommendation is acceptable. The Senator Wirth proposal is not acceptable as it extends the original Wilderness Study Area boundary onto multiple use land that has existing motorized trails.

Vasquez WSA, St. Louis Peaks FPA, Williams Fork FPA, Arapaho N.F.: As these three areas are adjacent to each other they should be considered together. I do not have any complaints with any of the three areas, however, it seems they would create a very discordant wilderness area. A ski area (Winter Park), several roads, a highway (I-70) and several campgrounds surround the outer borders while a 4WD jeep road (Jones Pass) cuts directly through the middle.

Service Creek FPA, Routt N.F.: While this area is acceptable under the Forest Service recommendation, it should be noted that the area to the north of Service Creek is a popular snowmobiling area. The Senator Wirth proposal is again unacceptable because of extending borders beyond the Further Planning boundaries onto multiple use land.

South San Juan, Montezuma Peak and V Rock Trail WSA's, San Juan N.F.: While neither area was recommended by the Forest Service they are both acceptable as proposed by Senator Armstrong in 1986. (S. 2097, 99th Congress.)

West Needle, Weminuche Contiguous, Whitehead Gulch and Needle Gulch WSA's, San Juan N.F.: These areas are all acceptable as recommended by the Forest Service.

Spruce Creek Addition WSA, White River N.F.: The Forest Service recommendation is acceptable.

Page 3

Senate Sub Committee on Public Land, National Forests and Parks
Denver City & County Building
Senate Bill 1343

Wilderness Designation Concerns

Spanish Peaks WSA, San Isabel N.F.: The area was not recommended by the Forest Service but I would agree with some form of protection against development such as a National Recreation Area.

Wheeler Geologic Study Area, Rio Grande N.F.: This area is crisscrossed with multiple use trails and a 4WD access road to the Wheeler Geologic Area. It is not acceptable for inclusion as a wilderness area.

Sangre de Cristo WSA, San Isabel and Rio Grande N.F.: The Senator Wirth proposal for this area is unacceptable. The recommendation by the Forest Service is acceptable. I feel that it is one of the areas that most deserves the status of wilderness. The main concern with this area is the Rainbow Trail. I am appalled at Senator Wirth's attempt to close a multi-use trail, one that lies outside of the Wilderness Study Area. The Rainbow Trail has been used for many years by all forms of trail travel. It has not been abused or misused by any of the users. I travel on motorcycle, the length of this trail several times each year. It is unique in the state for offering such a well built and maintained opportunity to travel the length of a mountain range, whether by foot, horse, mountain bike, motorcycle or other mode of transportation. The other concern with this area is on the south end. At the very south tip there is a jeep road tht goes to Como Lake. This road should not be closed. Again, I do not see why the immense amount of work done by the Forest Service in compiling their recommendations for this study area is not being followed.

I do agree that the lands designated by the Colorado Wilderness Act of 1980 as Further Planning Areas and Wilderness Study Areas should once and for all be given permanent status. I believe that the Forest Service recommendations should be followed with a very few exceptions. I must vehemently protest the attempt being made to include areas already studied and released for multiple resource non-wilderness use by the 1980 act. Speaking with and for all of the off-road vehicle users that I know, we do not want to tear up, burn down, log over, or damage any public lands, but merely pass through them to enjoy the natural scenic beauty the Colorado Rockies have in such abundance.

Sincerely,

Tracy L. F. Smith

Tracy L. F. Smith
Greater Colorado Trail Rides, Inc.
Colorado Off Highway Vehicle Coalition
American Motorcyclist Association

Additional Comments:

Fossil Ridge.

There are at least six trails in the Fossil Ridge study area that I have ridden my motorcycle on. This is a very unique area for motorcycles and mountainbikes.

During the past five years I have traveled with many other riders on the Fossil Ridge trail around 15 times. I think that every time across it I have enjoyed it more. It is best to travel in the fall, as several miles cross through an aspen grove. Throughout my travels I have run across only six other people other than those I was with. Two were hunters, two were on mountain bikes and two were on horseback. I talked with all six and ended up giving directions to four.

An article in the Denver Post (10/2/88) accused motorcyclists of tearing up a hill on the Fossil Ridge trail and leaving it very rutted. The only hill on the trail that the writer could have seen as he passed over it in an airplane is located immediately above a horse stockade used by an outfitter. The hill has been torn up by horses, not motorcycles. This false accusation about motorcyclists has been repeated several times by the people trying to close the area off to motorized use. To put it mildly this really pisses me off. I wonder how many times these people have actually set foot, or hoof, on the trail, rather than flying over it. About every time I have been on the trail my friends and I have moved fallen logs, rocks, cut out deadfall and other trail maintence. Last year the Colorado 500, a motorcycle charity ride, donated money to the Forest Service that was used specifically to help with maintenence of the Fossil Ridge trails. This year (Sept. 15) in Crested Butte the Forest Service presented the riders of the Colorado 500 with a plaque thanking them for the donations, and the Colorado 500 donated 4,500.00 dollars more. I have not heard of any hikers or horse riders giving the Forest Service help in this area for trails maintence.

Another point about the Fossil Ridge Study Area is that to my knowledge the Forest Service did not recommend it be designated as wilderness. I also do not understand how Senator Wirth can extend the boundry of a study area into land already released in 1980 for multiple use? Is this legal?

I and many others feel very strongly that the Fossil Ridge Study Area not be included in any current or future wilderness acts. I only wish to pass through an area on a narrow trail to enjoy the surronding area by looking at it, I do not want to ride on every square foot of it or tear up any land!

Tracy Smith

COLORADO WILDERNESS DESIGNATION

Federal Lands and Wilderness in Colorado

The federal government owns and actively manages 24 million acres or 36% of the State of Colorado, an area larger than 13 states. The largest federal landholders are the Forest Service with 14.4 million acres, and the Bureau of Land Management with 8.3 million acres. A total of 2.6 million acres or 10% of all federal lands in Colorado are designated as wilderness. Four percent of Colorado's 66.4 million acres are designated wilderness. Colorado's first wilderness area was created in 1931 when the Mount Zirkel/Dome Peak Primitive Area was designated, and ten more primitive areas were set aside in 1939. All these and five more areas were officially designated as Colorado wilderness by the 1964 Wilderness Act.

The Colorado Wilderness Act of 1980

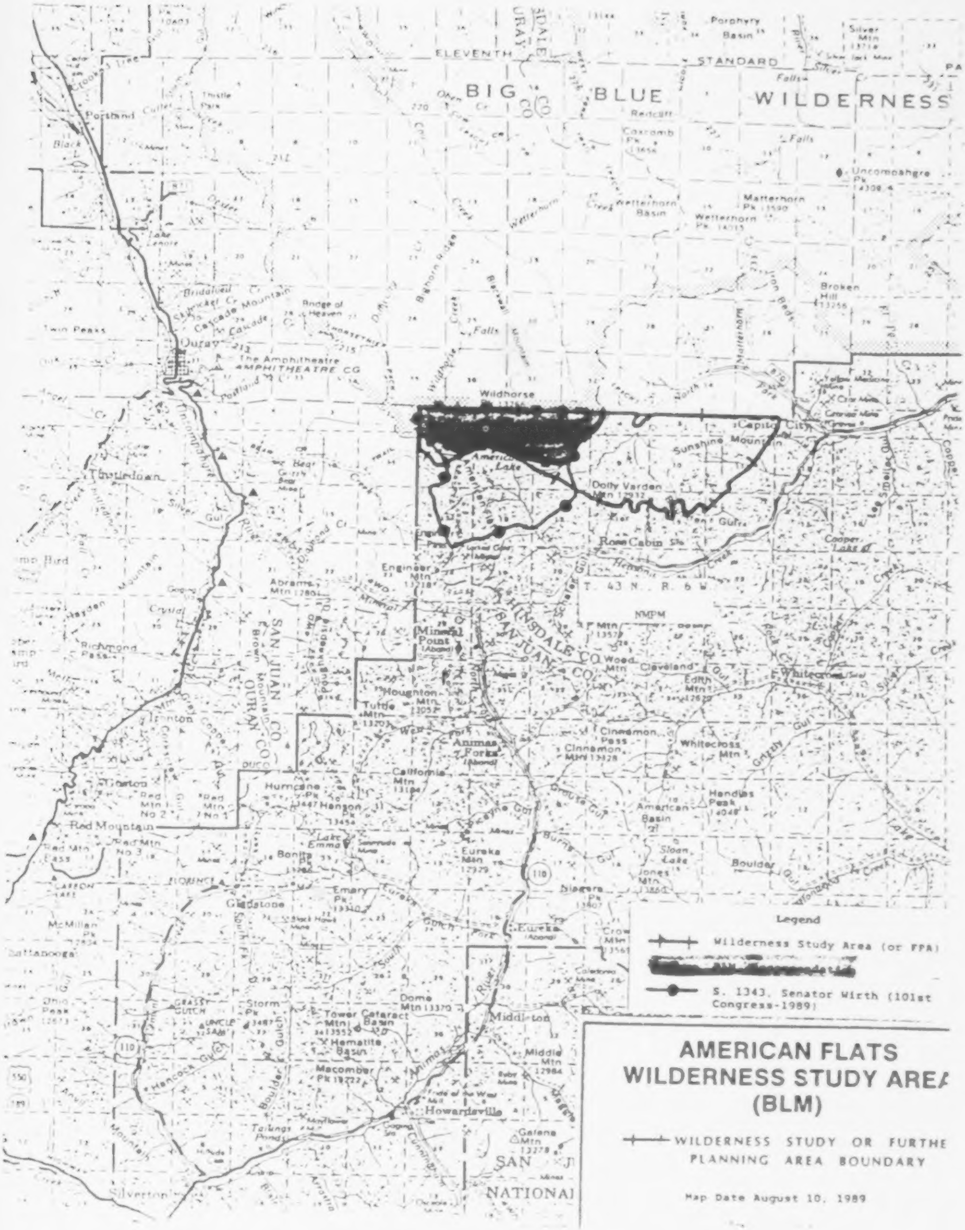
Over the past 25 years, Colorado's federal lands have been intensively studied for their wilderness character. The Forest Service studied 6.15 million acres during RARE I and RARE II, while the Bureau of Land Management and the National Park Service have been conducting their own studies. Based on these studies, the Colorado congressional delegation forged an agreement in 1980 that added 1.4 million acres to the NWPS.

This comprehensive wilderness bill **agreed upon by then Congressman** Wirth and **Senator Armstrong** not only designated wilderness areas, but **released roughly 4.4 million acres for multiple** resource **non-wilderness uses**. The 1980 compromise confirmed the Forest Service's extensive evaluations and analysis of potential areas when releasing this acreage. **Although agreed not suitable for wilderness designation**, land released for multiple use enjoys protection as federally owned land.

Further Planning Areas (FPAs) and Wilderness Study Areas(WSAs)

Because the Forest Service had not completed all reviews, the Colorado congressional delegation did not act on about 170,000 acres evaluated under RARE II, and left them as Further Planning Areas (FPAs). The 1980 Act also mandated about 500,000 acres of land as Wilderness Study Areas (WSAs). Congress specified that FPAs and WSAs be managed to protect their potential for inclusion in wilderness areas until Congressional action is taken on their designation.

Of the 684,250 acres extensively studied as FPAs and WSAs and evaluated through public comment, **the Forest Service recommended 401,593 acres were as suitable for wilderness designation, and the remaining areas as non-wilderness.** Those recommendations were based on the wilderness characteristics of an area, the need for wilderness and the resource tradeoffs. Currently in *de facto* wilderness status, these areas need Congressional action. Their limbo status causes hardship on Forest Service professionals and the public who must simply wait patiently for Congress to act.


BIG BLUE WILDERNESS
ELEVENTH
STANDARD
Porphyry Basin
Silver Mtn
Uncompahgre Pk
Matterhorn Pk
Wetterhorn Pk
Wetterhorn Basin
Coxcomb Pk
Redcliff
Broken Hill
Portland
Lake Lenore
Twin Peaks
Ouray
Cascade Mountain
Bridge of Heaven
The Amphitheatre
AMPHITHEATRE CG
Wildhorse
American Lake
Capitol City
Sunshine Mountain
Dolly Varden Mtn
Rose Cabin
Engineer Mtn
Abrams Mtn
T. 43 N., R. 6 W.
NMPM
HINSDALE CO
SAN JUAN CO
OURAY CO
Mineral Point
Houghton Mtn
Tuttle Mtn
Animas Forks
California Mtn
Wood Mtn
Cleveland
Edith Mtn
Whitecross
Cinnamon Pass
Cinnamon Mtn
Whitecross Mtn
Handies Peak
American Basin
Sloan Lake
Jones Mtn
Niagara Pk
Boulder Gul
Crystal
Hayden Mountain
Richmond Pass
Ironton
Gordon
Red Mtn No 2
Red Mtn No 1
Red Mtn No 3
Red Mountain
Red Mtn Pass
Hurricane Pk
Hanson Pk
Lake Emma
Bonita Pk
Eureka Mtn
Emery Pk
Gladstone
McMillan Pk
Chattanooga
Ohio Peak
Storm Pk
Tower
Cataract Basin
Hematite Basin
Dome Mtn
Eureka
Crown Mtn
Middleton
Middle Mtn
Macomber Pk
Howardsville
Galena Mtn
Tailings Pond
Silverton
SAN JUAN NATIONAL
110
550

Legend

Wilderness Study Area (or FPA)

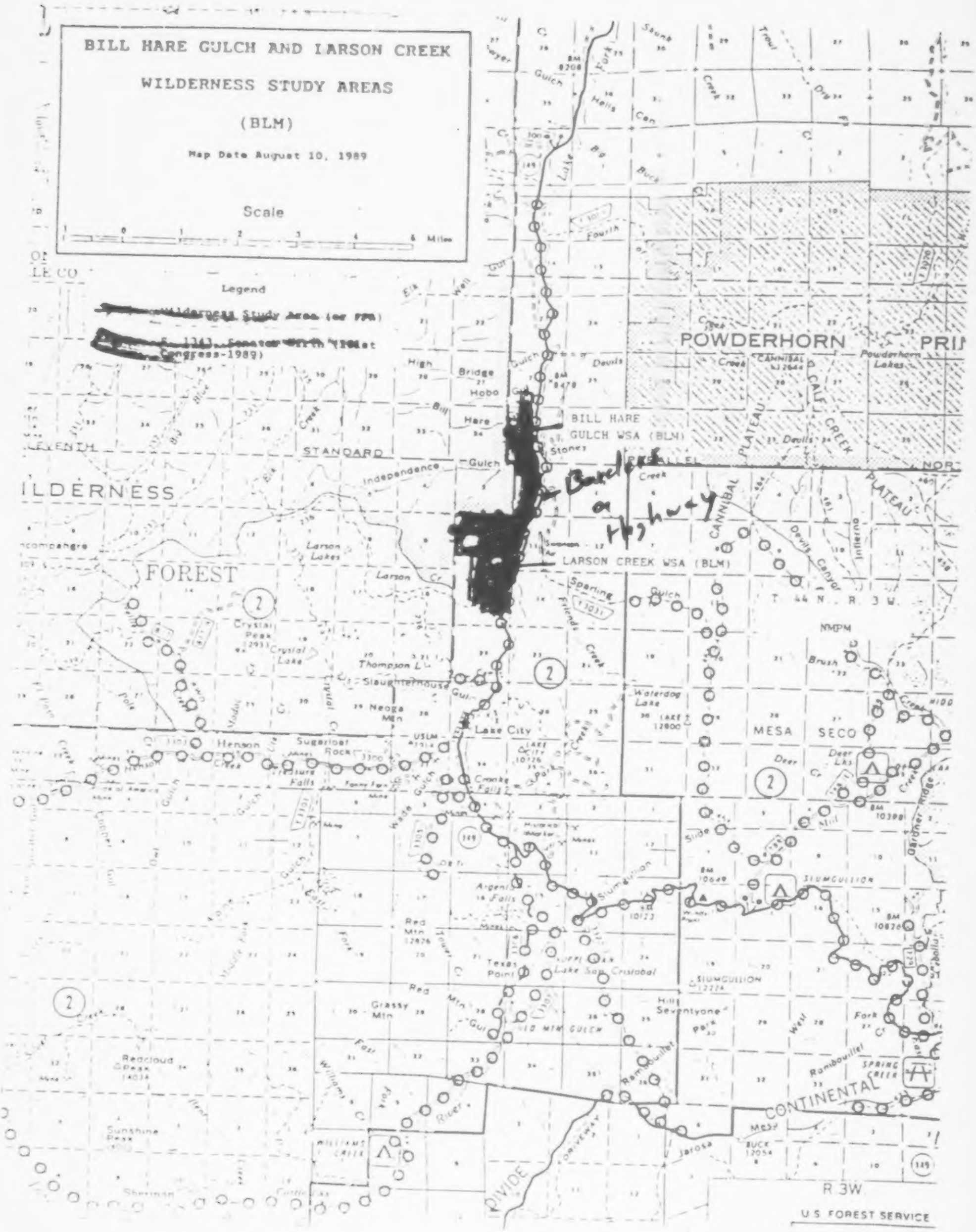
[redacted]

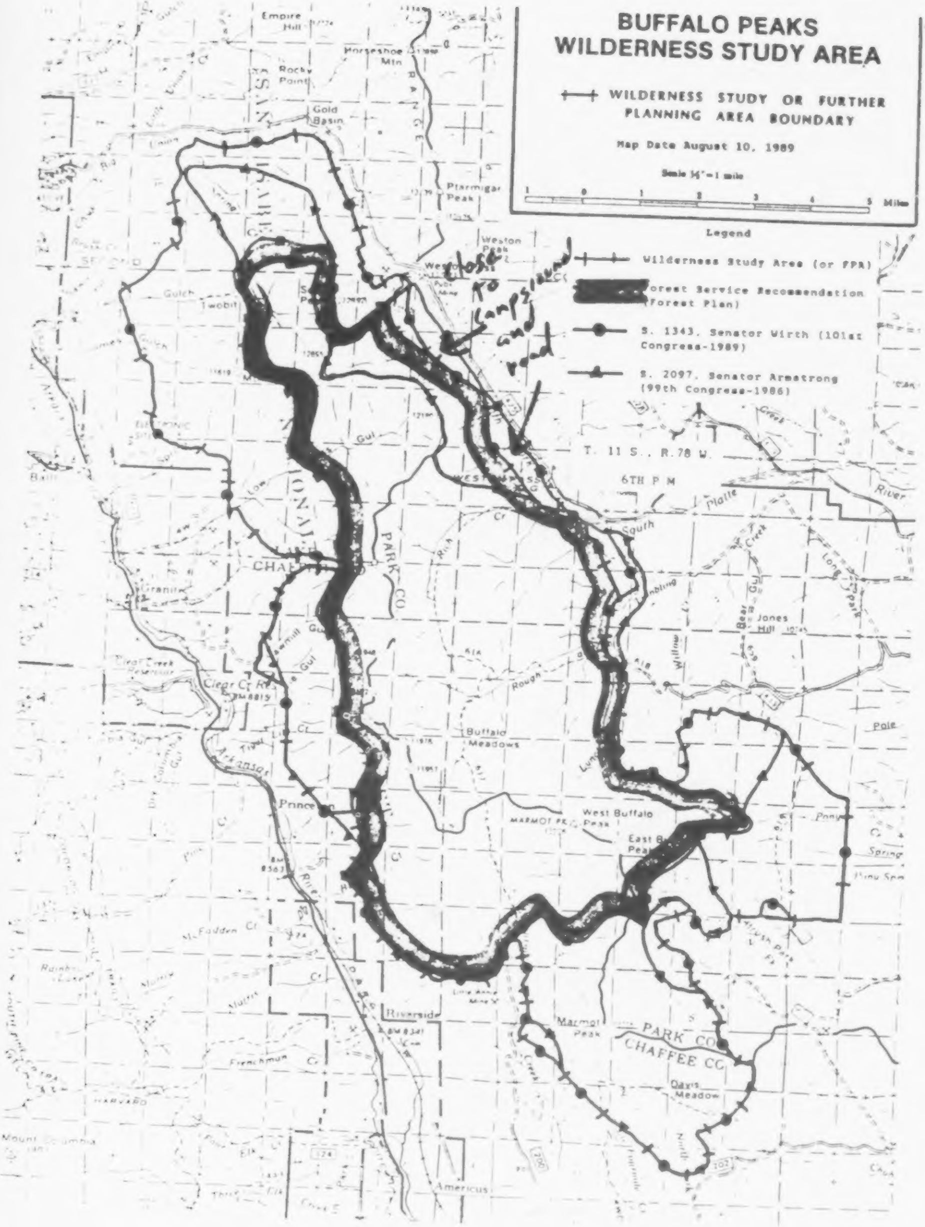
S. 1343, Senator Wirth (101st Congress-1989)

AMERICAN FLATS WILDERNESS STUDY AREA (BLM)

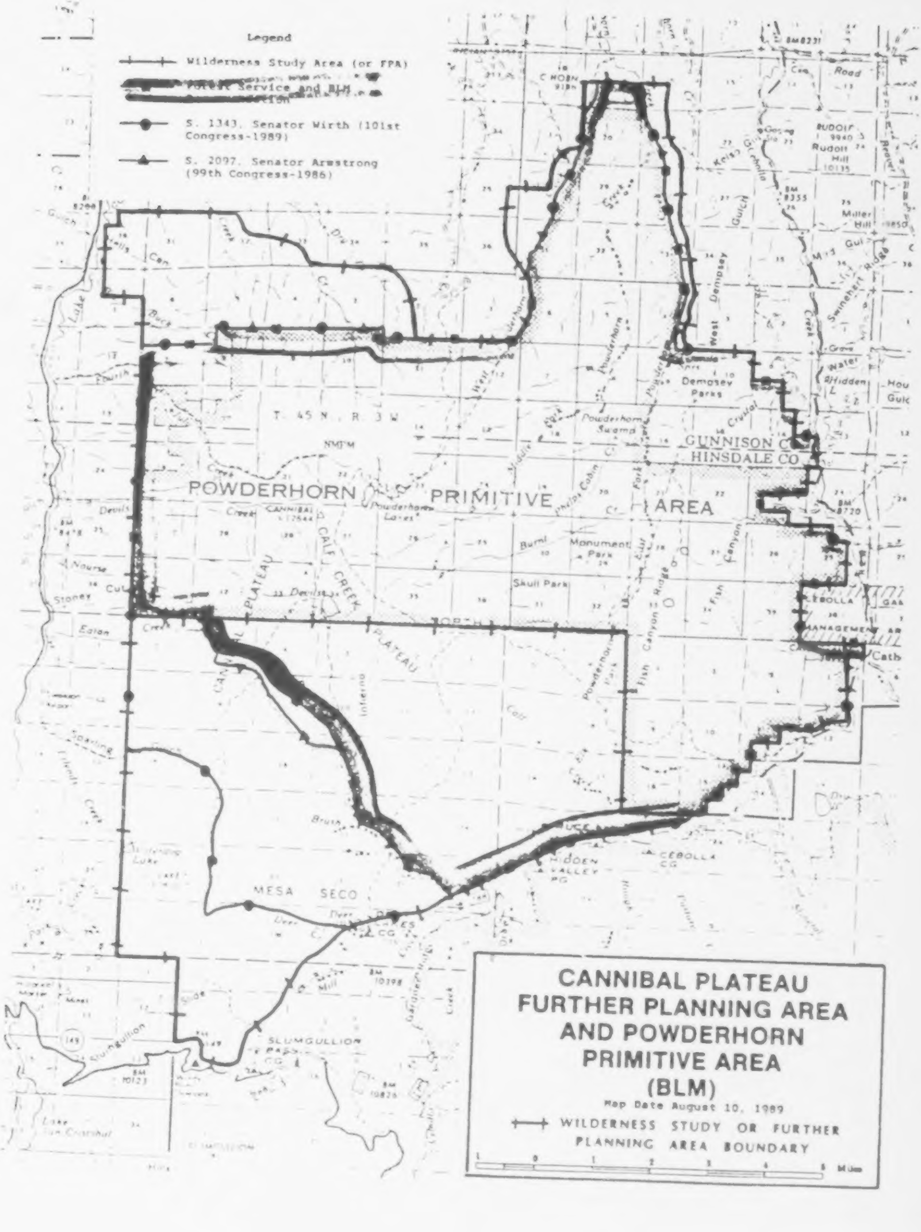
WILDERNESS STUDY OR FURTHE
PLANNING AREA BOUNDARY

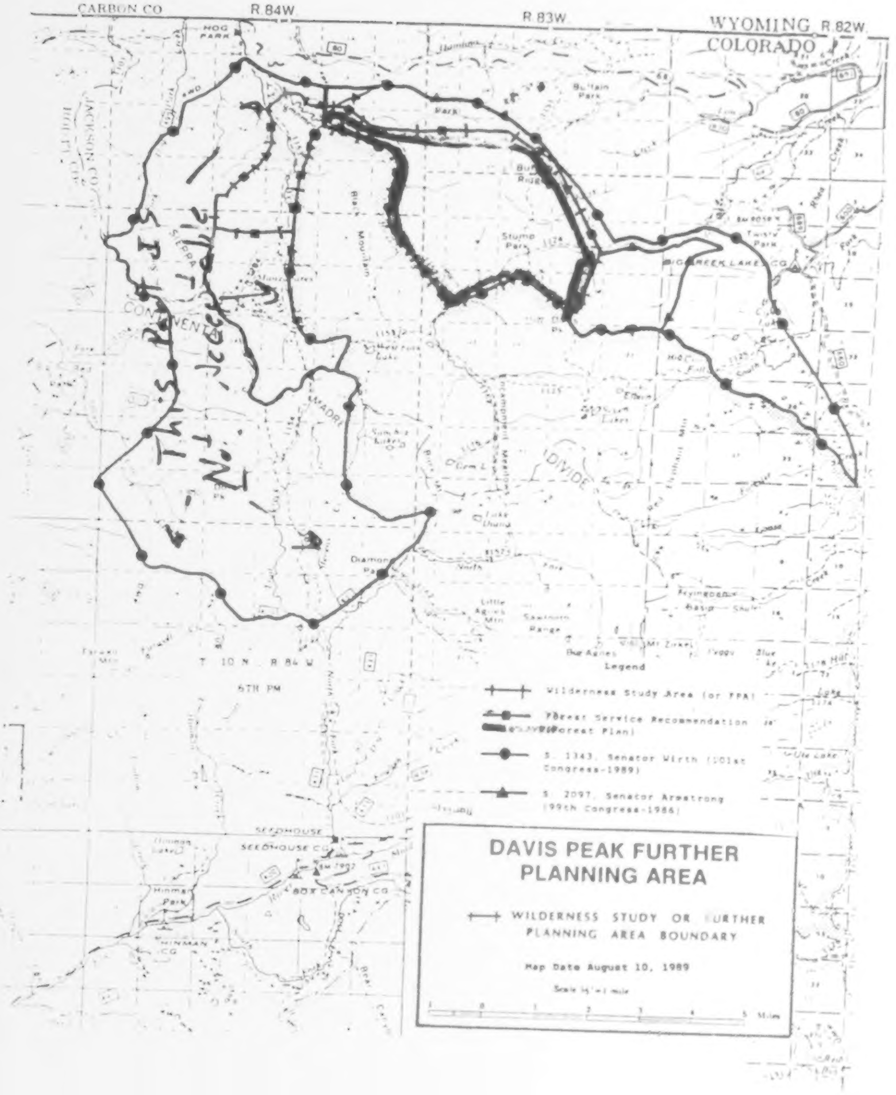
Map Date August 10, 1989

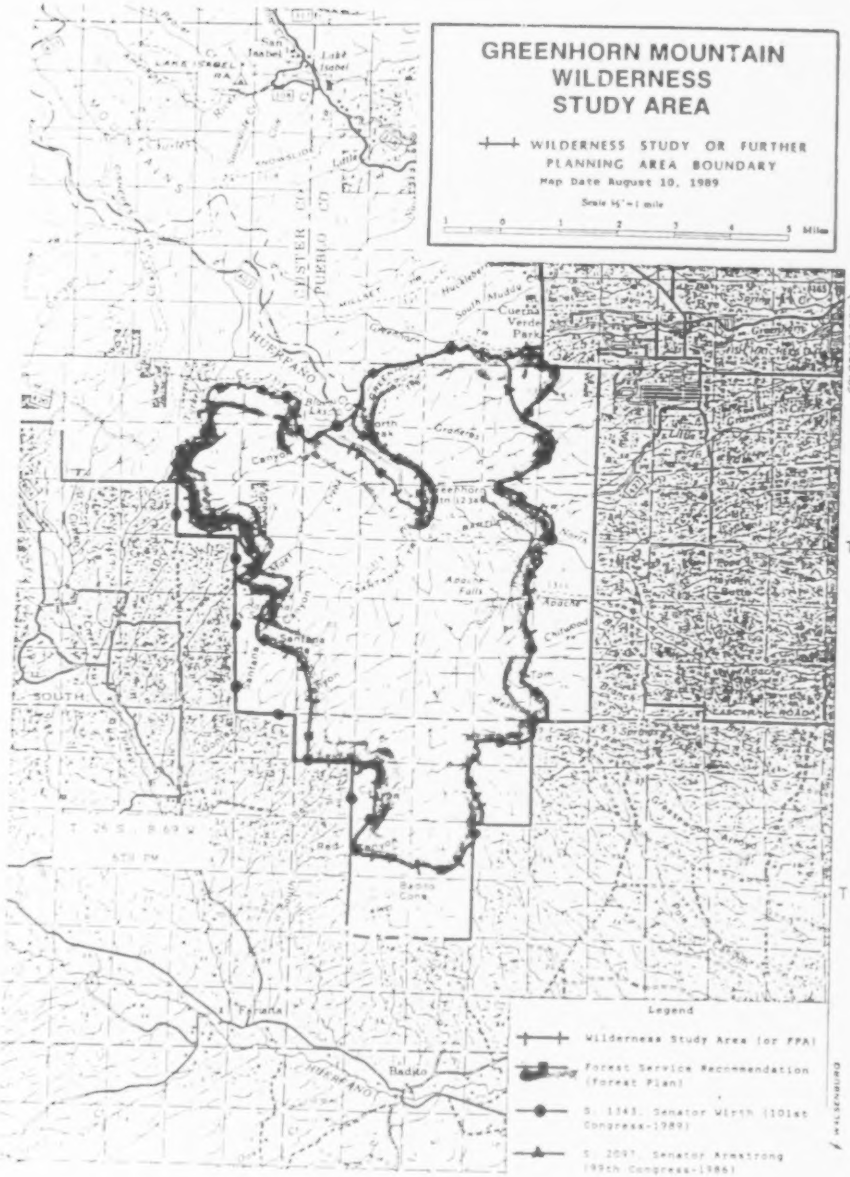

BILL HARE GULCH AND LARSON CREEK
WILDERNESS STUDY AREAS
(BLM)
Map Date August 10, 1989
Scale
Miles
Legend
Wilderness Study Area (or FPA)
S. 1341, Senator Wirth (101st Congress-1989)
BILL HARE GULCH WSA (BLM)
LARSON CREEK WSA (BLM)
Boundary on Highway
POWDERHORN
WILDERNESS
FOREST
STANDARD
Lake City
MESA SECO
CONTINENTAL
DIVIDE
T. 44 N., R. 3 W.
NMPM
R 3W
U.S. FOREST SERVICE

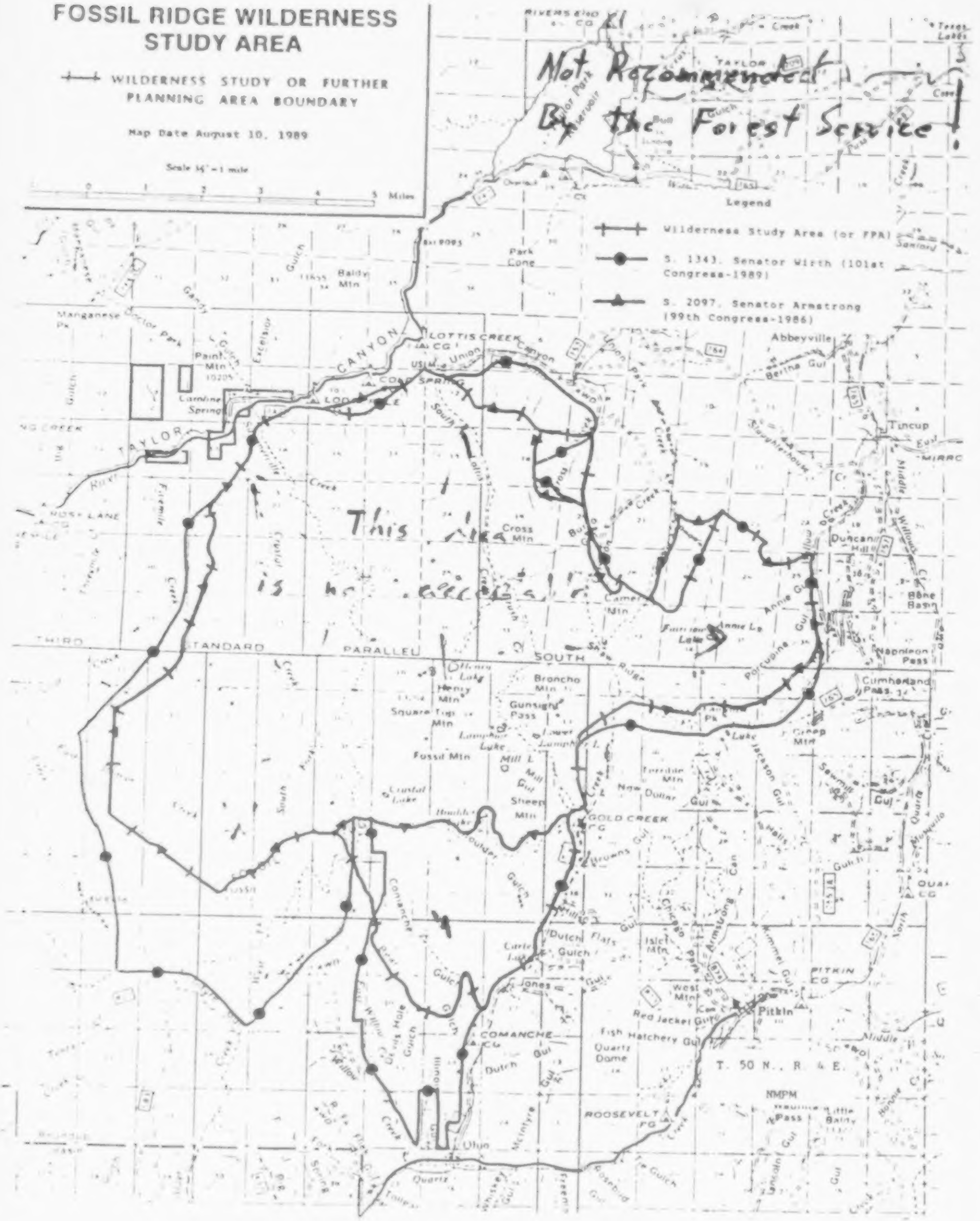

BUFFALO PEAKS
WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 11 S., R. 78 W.
6TH P M
Empire Hill
Horseshoe Mtn
Rocky Point
Gold Basin
Ptarmigan Peak
Weston Peak
Weston
Granite
Clear Cr. Res.
Buffalo Meadows
West Buffalo Peak
East Buffalo Peak
Marmot Peak
Princeton
Riverside
Jones Hill
Davis Meadow
PARK CO.
CHAFFEE CO.
Arkansas River
South Platte River
Americus
Mount Columbia
Harvard

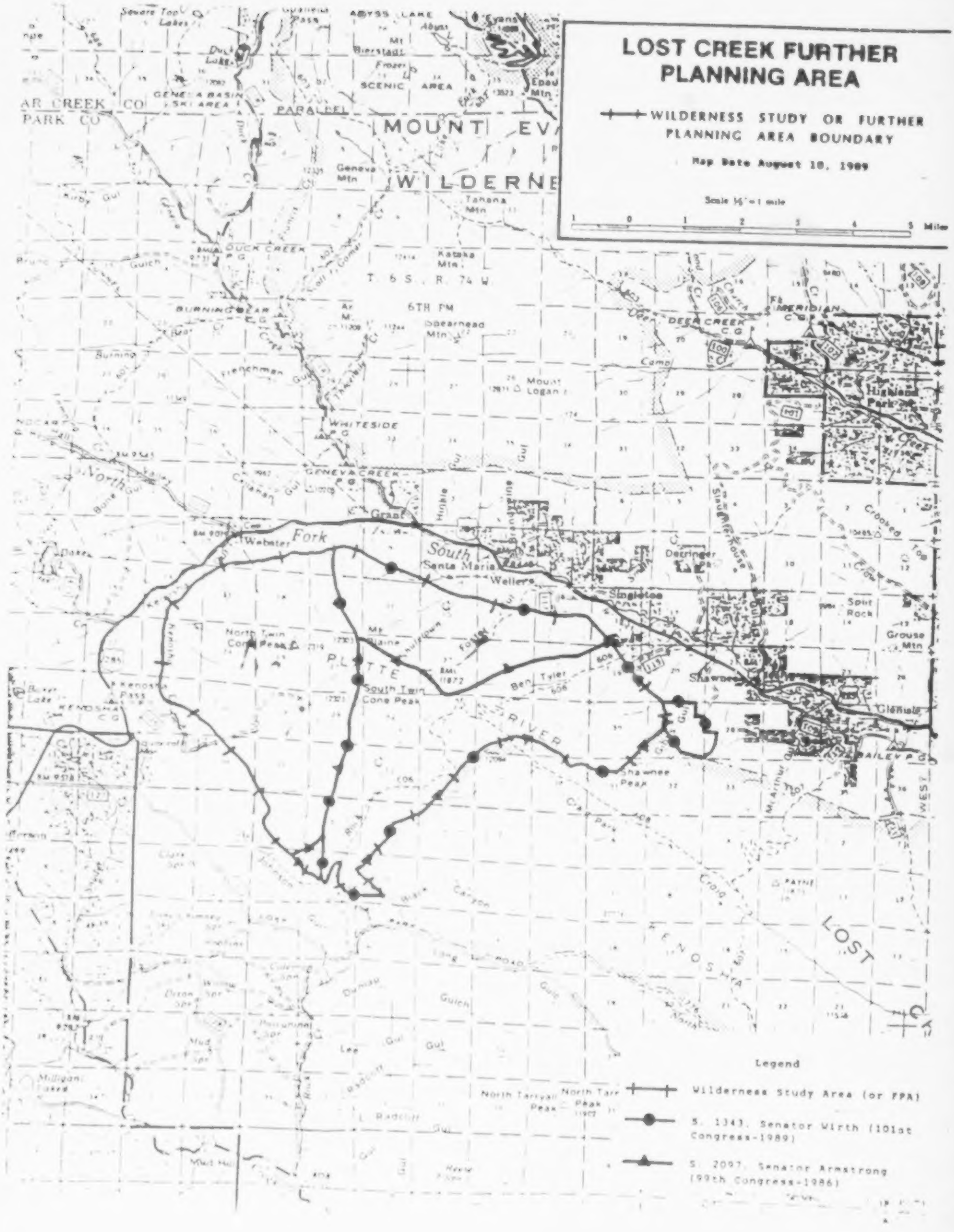
close to campground and road


Legend
Wilderness Study Area (or FPA)
Forest Service and BLM
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
POWDERHORN PRIMITIVE AREA
T. 45 N., R. 3 W.
GUNNISON CO
HINSDALE CO
CANNIBAL PLATEAU
CALF CREEK
MESA SECO
Powderhorn Lakes
Powderhorn Swamp
Dempsey Parks
Monument Park
Skull Park
HIDDEN VALLEY PG
CEBOLLA CG
SLUMGULLION PASS
CEBOLLA MANAGEMENT AREA
CANNIBAL PLATEAU
FURTHER PLANNING AREA
AND POWDERHORN
PRIMITIVE AREA
(BLM)
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
1 0 1 2 3 4 5 Miles


CARBON CO
R 84W
R 83W
WYOMING
COLORADO
R 82W
HOG PARK
JACKSON CO
ROUTT CO
CONTINENTAL
SIERRA
MADRE
DIVIDE
Black Mountain
Buffalo Park
Bull Ridge
Stump Park
BIG CREEK LAKES CG
Twisty Park
Diamond Park
Little Agnes Mtn
Sawtooth Range
Big Agnes
Mt Zirkel
Blue Lake
Ute Lake
Lake Diana
Encampment Meadows
Hinman Park
HINMAN CG
SEEDHOUSE CG
BOX CANYON CG
T 10 N , R 84 W
6TH PM
This part is in Mt. Zirkel
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
DAVIS PEAK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale
1 0 1 2 3 4 5 Miles

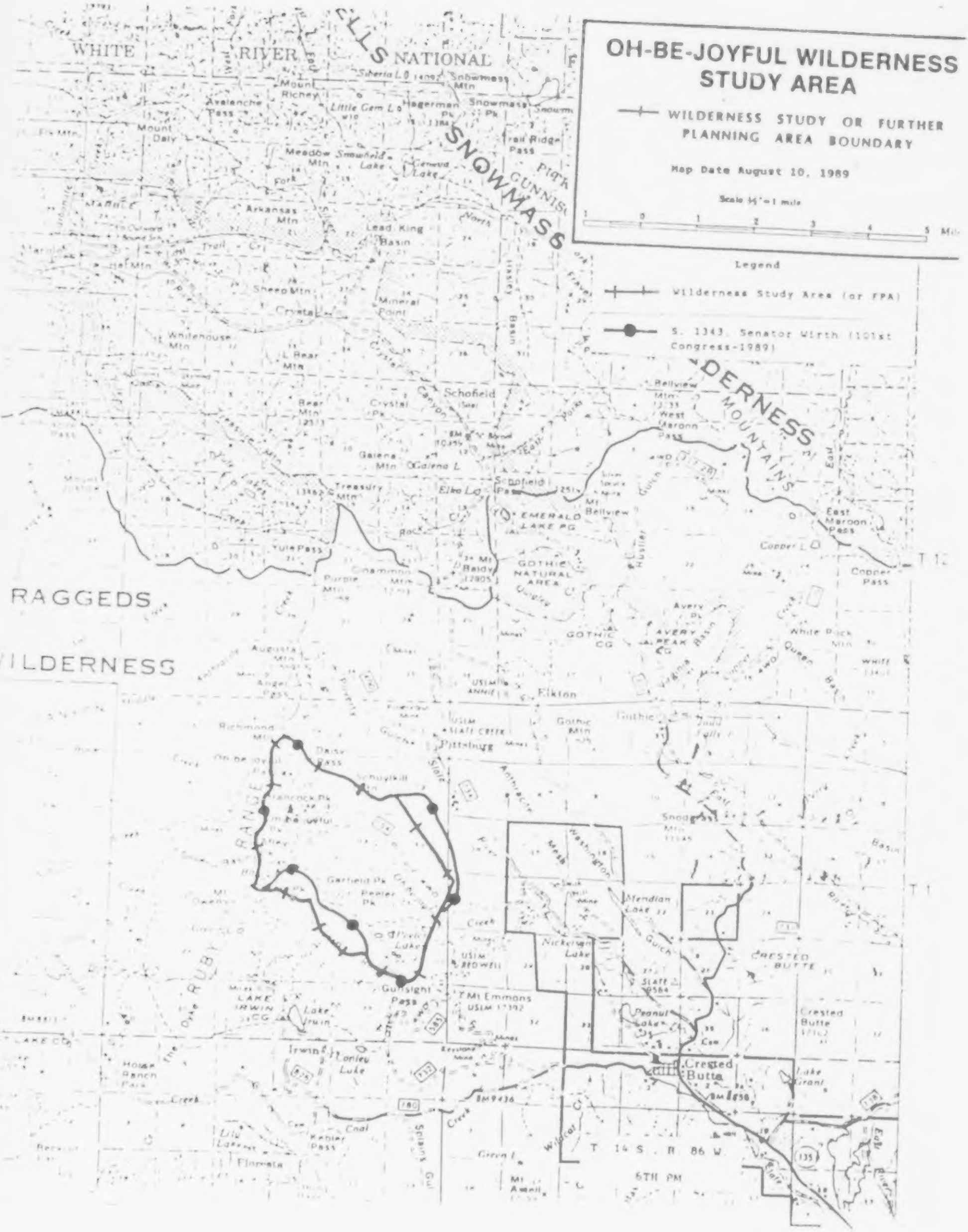

GREENHORN MOUNTAIN
WILDERNESS
STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
San Isabel
Lake Isabel
LAKE ISABEL RA
CUSTER CO.
PUEBLO CO.
HUERFANO CO.
Cuerna Verde Park
Greenhorn Mtn 12347
Apache Falls
Apache
Chilcotod
Santana
Canyon
Red
Badito Cone
Farisita
Badito
HUERFANO
SOUTH
T. 26 S., R. 69 W.
6TH PM
T. 2
T. 2
COLORADO CITY

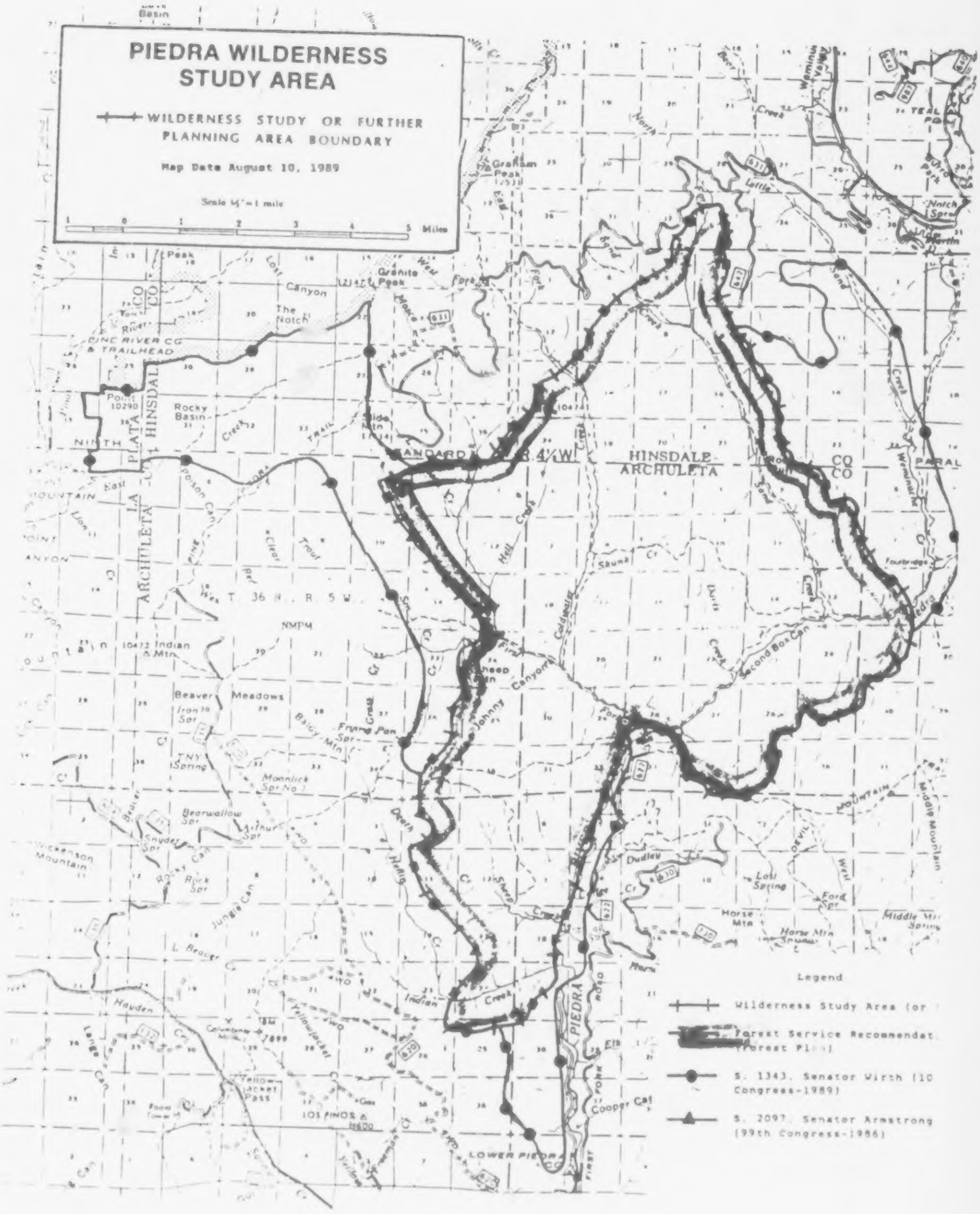

FOSSIL RIDGE WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
0 1 2 3 4 5 Miles
Not Recommended By the Forest Service!
This area is [illegible]
Legend
Wilderness Study Area (or FPA)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
Taylor Park Reservoir
Park Cone
Baldy Mtn
Manganese Pk
Doctor Park
Gandy
Excelsior
Painter Mtn
Lottis Creek CG
Canyon
Union
One Mile
Lodgepole
Cold Spring
Taylor River
Rosy Lane CG
Abbeyville
Bertha Gul
Tincup
Mirror
Duncan Hill
Bone Basin
Napoleon Pass
Cumberland Pass
Cross Mtn
Cameron Mtn
Henry Lake
Henry Mtn
Broncho Mtn
Gunsight Pass
Square Top Mtn
Lamphier Lake
Fossil Mtn
Crystal Lake
Boulder Lake
Sheep Mtn
Gold Creek CG
Third Standard Parallel South
Comanche CG
Dutch Flats
Island Mtn
West Mtn
Pitkin CG
Pitkin
Red Jacket Gul
Fish Hatchery Gul
Quartz Dome
Roosevelt FG
Ohio
Quartz
T. 50 N., R. 4 E.
NMPM
Waunita Pass
Little Baldy
Quartz CG

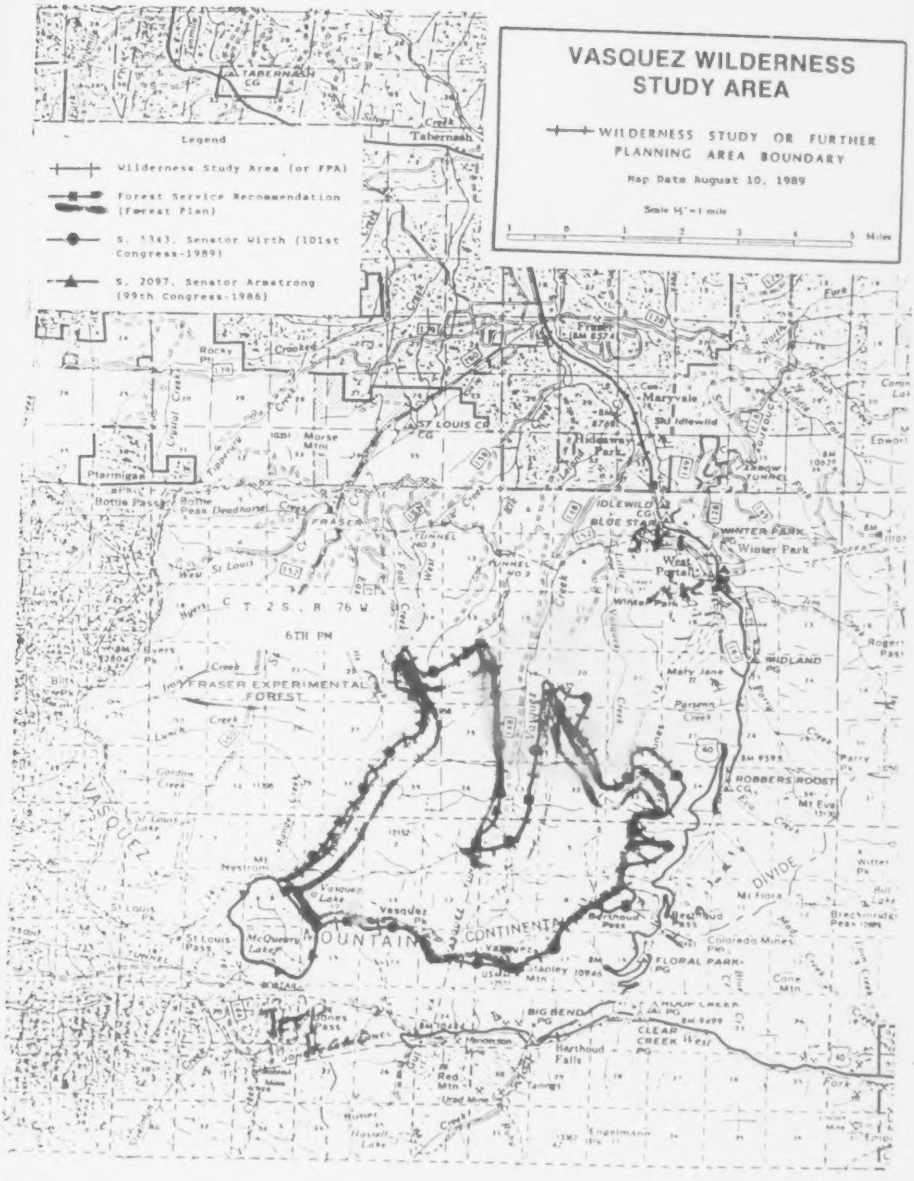


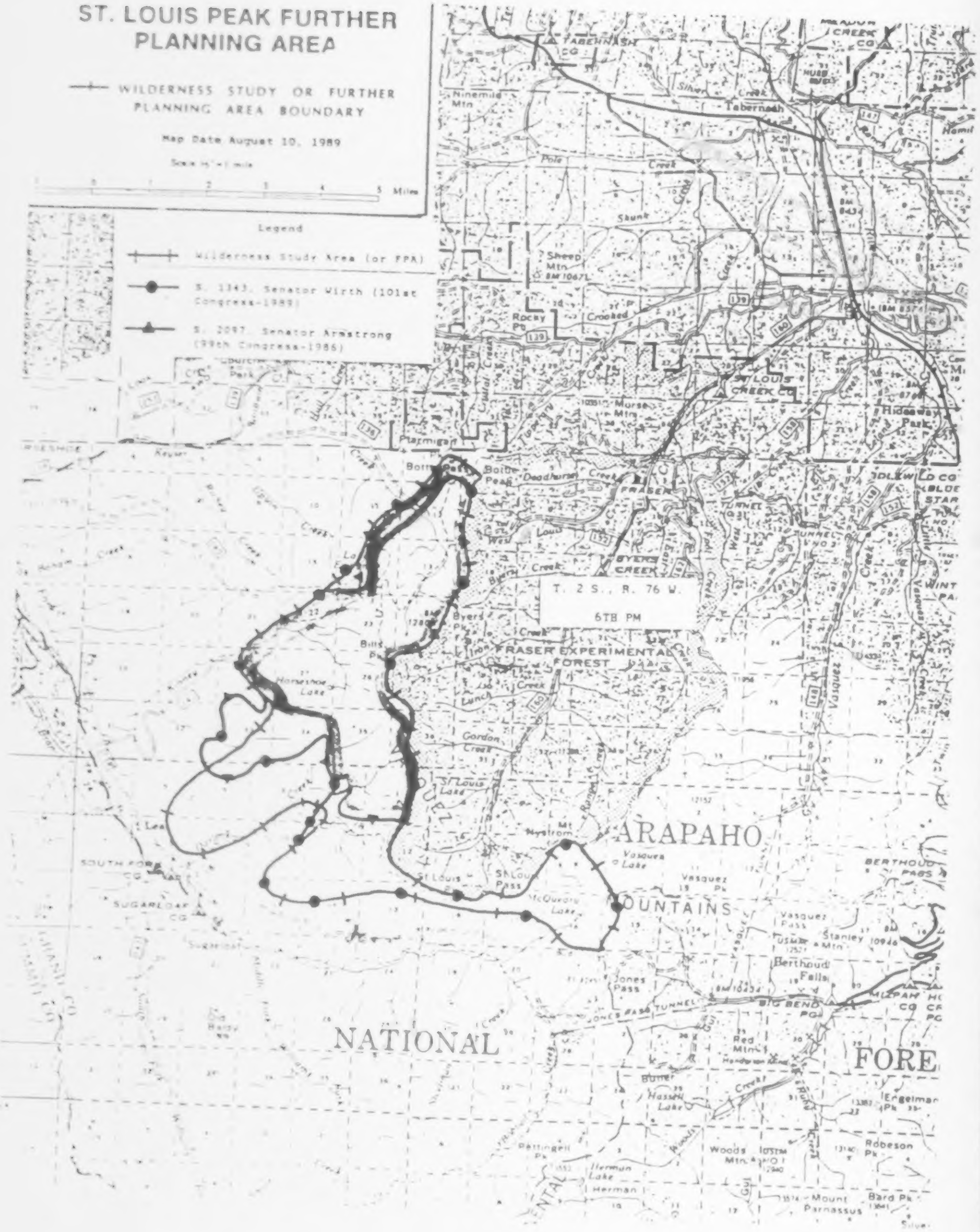
LOST CREEK FURTHER PLANNING AREA

WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
MOUNT EVANS WILDERNESS
T. 6 S., R. 74 W.
6TH PM
Geneva Mtn
Kataka Mtn
Bierstadt
Abyss Lake
Duck Creek P.G.
Burning Bear
Whiteside P.G.
Geneva Creek P.G.
Mount Logan
Deer Creek C.G.
Meridian C.G.
Highland Park
Grant
South Fork
Webster
Santa Maria
Wellers
Singleton
Shawnee
Glenisle
Bailey
North Twin Cone Peak
Mt. Blaine
South Twin Cone Peak
PLATTE RIVER
Ben Tyler
Shawnee Peak
Kenosha Pass
Kenosha C.G.
Spruce Rock
Grouse Mtn
Crooked Top
LOST CREEK
KENOSHA
North Tarryall Peak

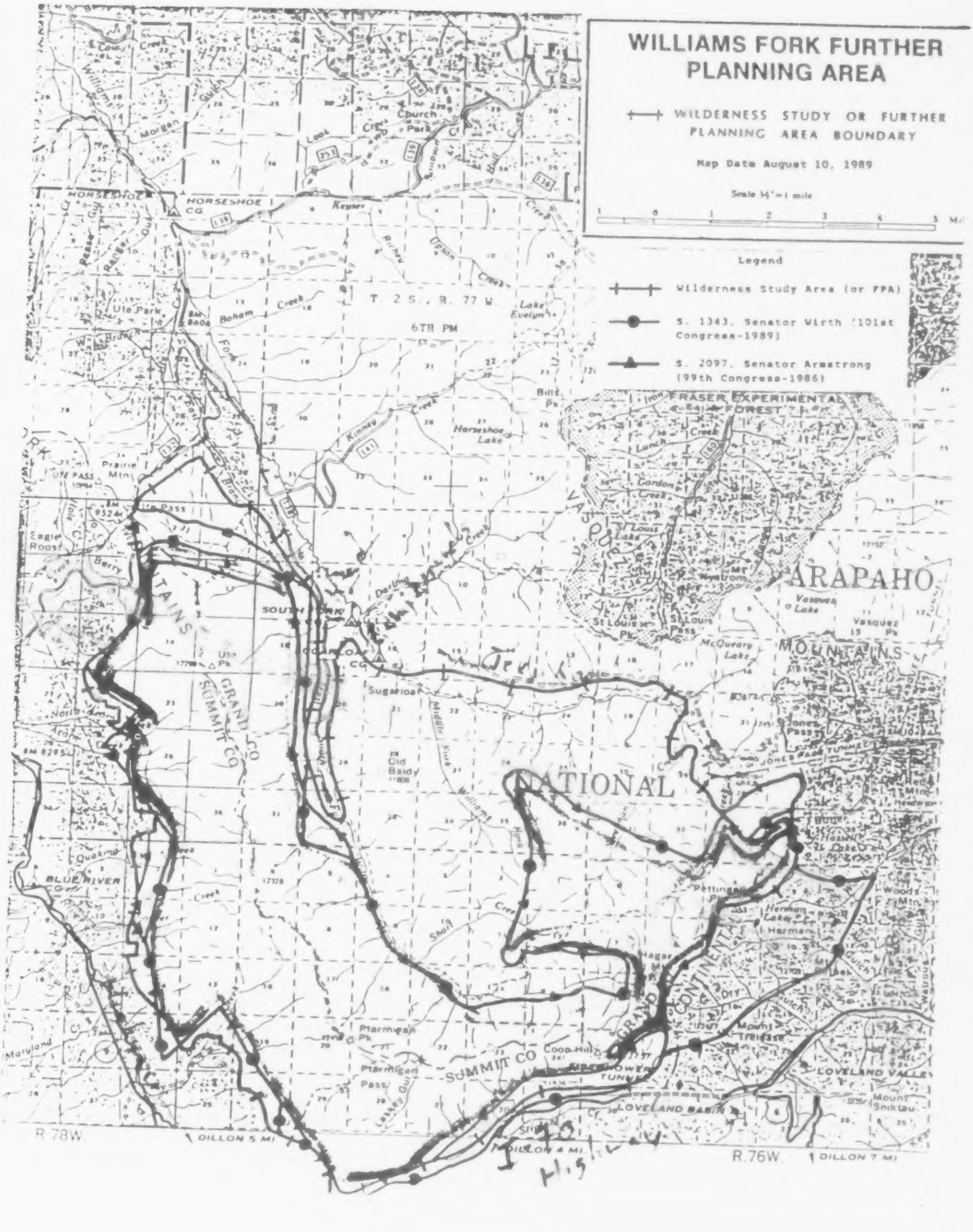

OH-BE-JOYFUL WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1½" = 1 mile
0 1 2 3 4 5 Mi
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
WHITE RIVER NATIONAL
SNOWMASS
RAGGEDS
WILDERNESS
RUBY RANGE
Crested Butte
Schofield
Elkton
Pittsburg
Irwin
Gunsight Pass
Daisy Pass
T. 14 S. R. 86 W.
6TH PM

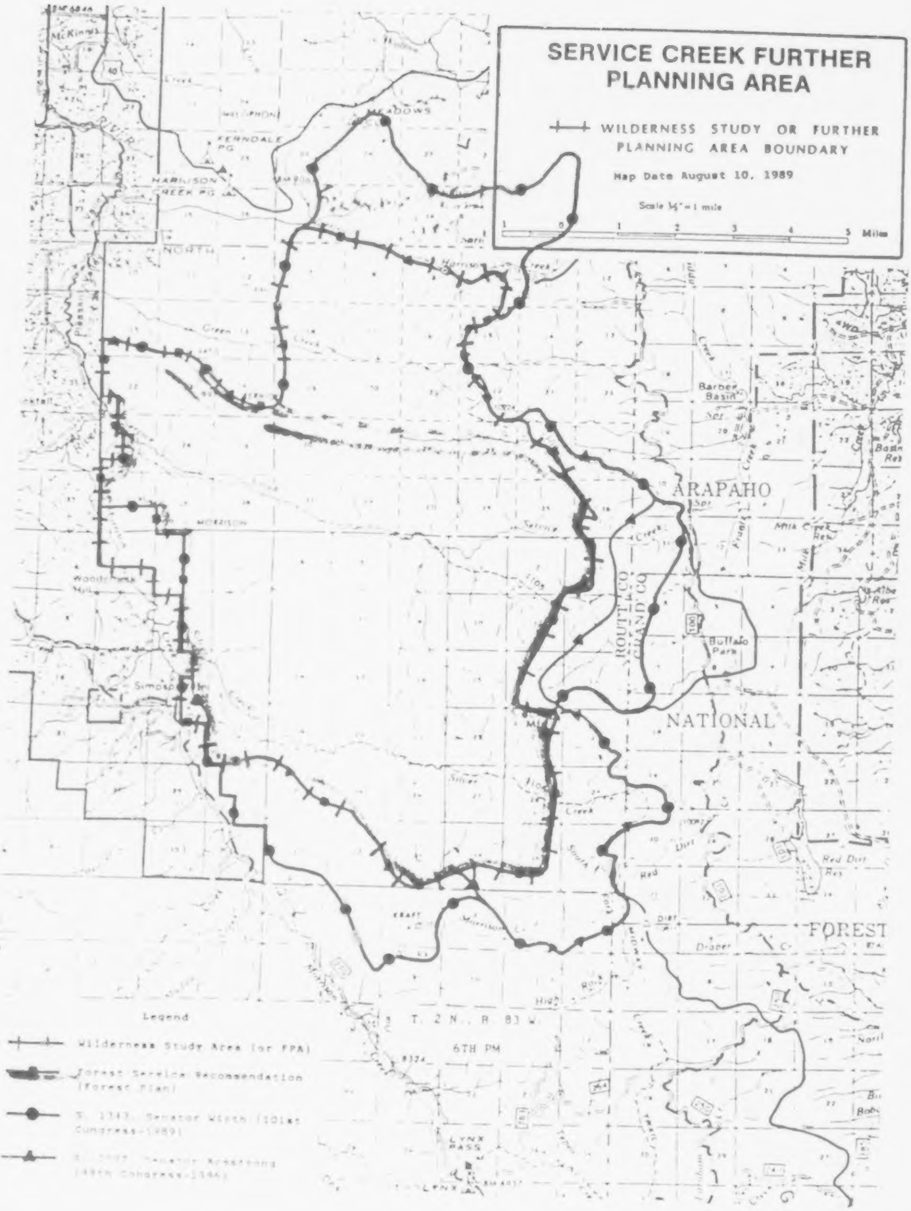

PIEDRA WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or
Forest Service Recommendat (Forest Pl
S. 1343, Senator Wirth (10 Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
HINSDALE
ARCHULETA
LA PLATA
PIEDRA
T. 36 N., R. 5 W.
NMPM
Granite Peak
The Notch
Rocky Basin
Indian Mtn
Beaver Meadows
Horse Mtn
Middle Mountain
LOWER PIEDRA
Cooper Can
First Fork
Weminuche
Sheep Mtn
Johnny Canyon
Skunk Cr
Second Box Can
Lost Spring
Yellowjacket Pass

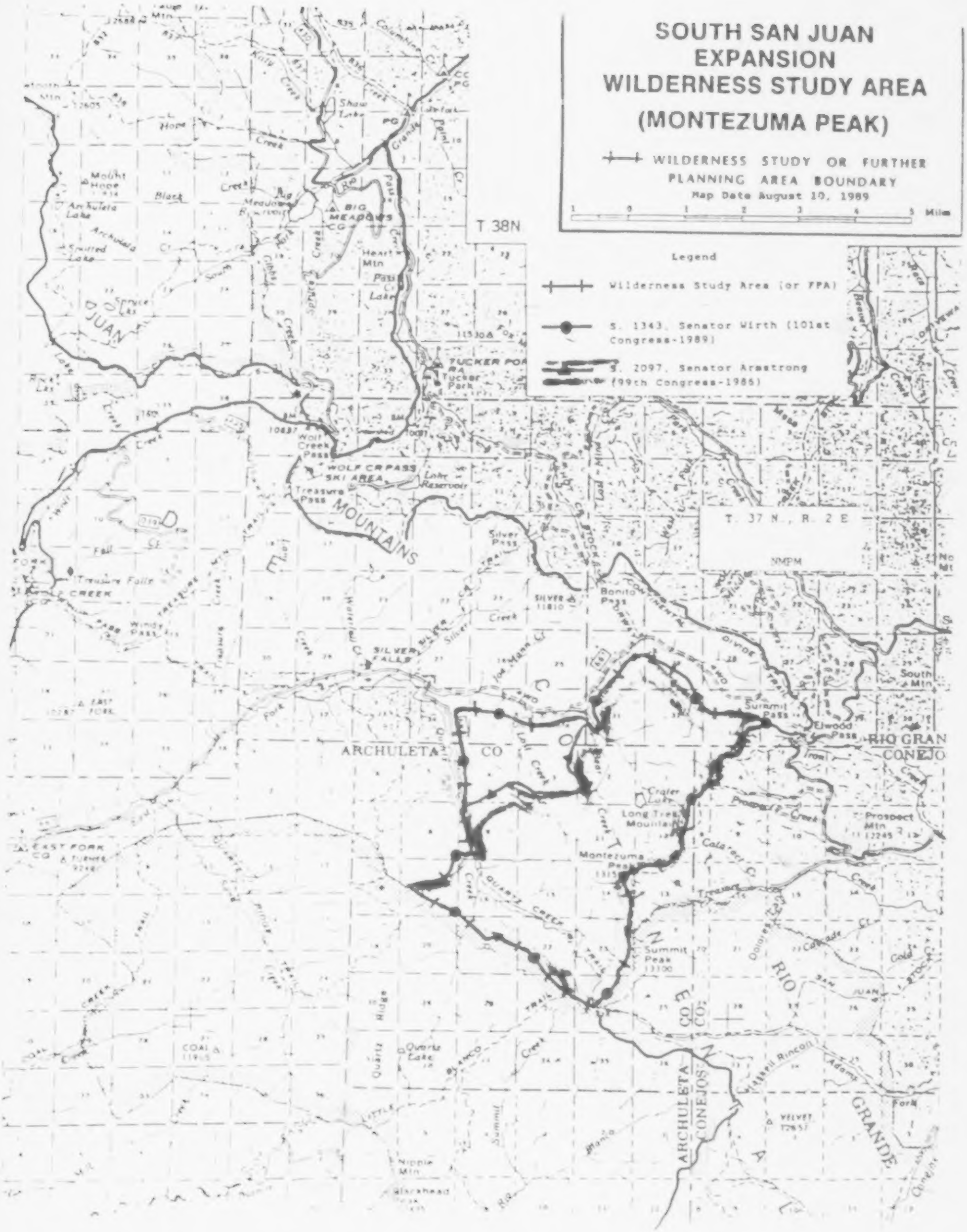

VASQUEZ WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
TABERNASH CG
Tabernash
Fraser
Rocky Pt
Crooked
Maryvale
Idlewild
Hideaway Park
ST LOUIS CR CG
Morse Mtn
Ptarmigan
Bottle Pass
FRASER
TUNNEL NO 3
TUNNEL NO 2
IDLEWILD CG
BLUE STAR
WINTER PARK
Winter Park
West Portal
ARROW TUNNEL
T. 2 S., R. 76 W.
6TH PM
Byers Pk
FRASER EXPERIMENTAL FOREST
Mary Jane
MIDLAND PG
Parry Pk
ROBBERS ROOST CG
Mt Eva
VASQUEZ
Mt Nystrom
Vasquez Lake
Vasquez Pk
St Louis Pk
St Louis Pass
McQueery Lake
MOUNTAIN
CONTINENTAL
DIVIDE
Mt Flora
Berthoud Pass
Colorado Mines Pk
FLORAL PARK PG
Stanley Mtn
Cone Mtn
Jones Pass
BIG BEND PG
CLEAR CREEK PG
Berthoud Falls
Red Mtn
Hassell Lake
Engelmann Pk
Breckinridge Peak
Witter Pk
Empire

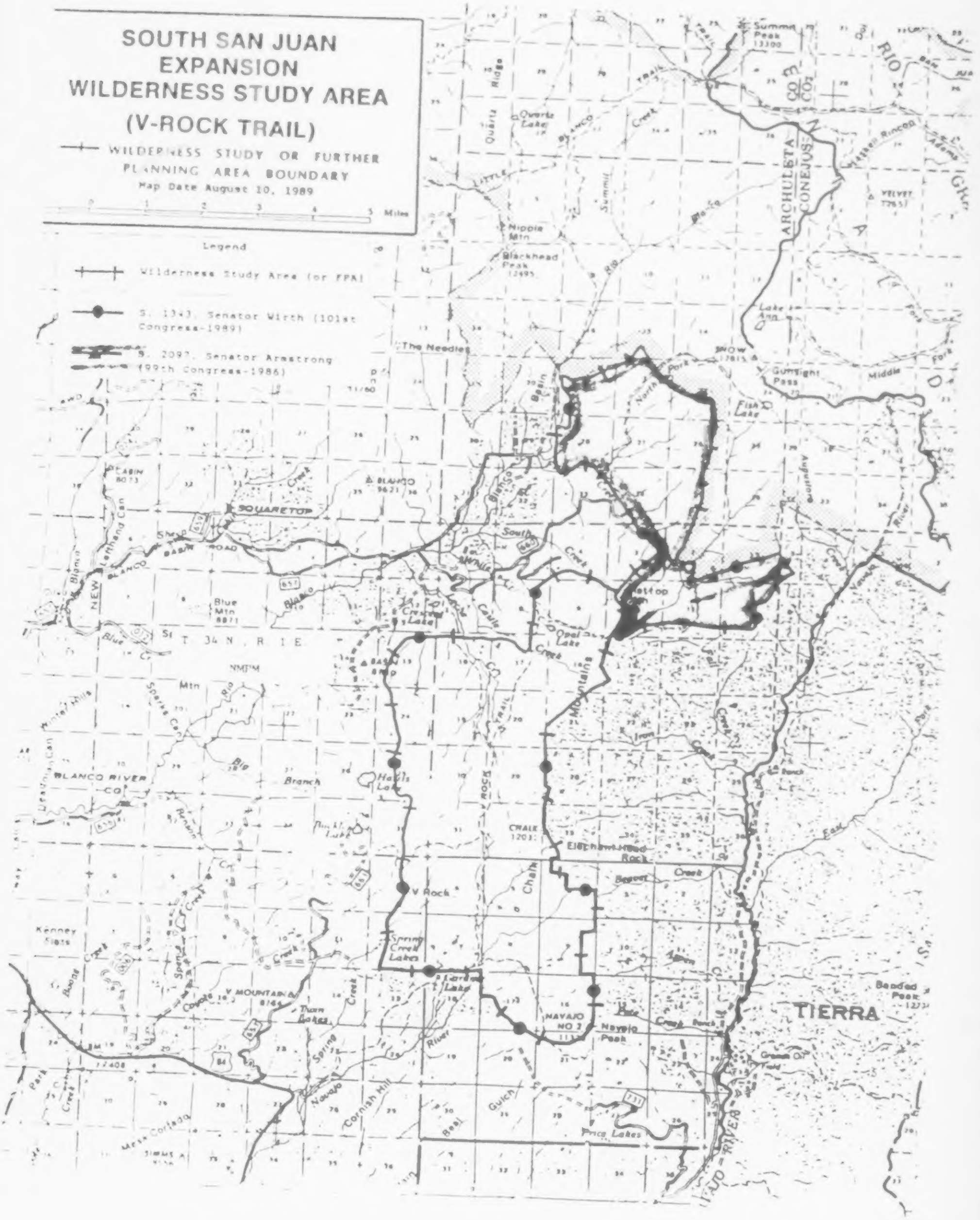


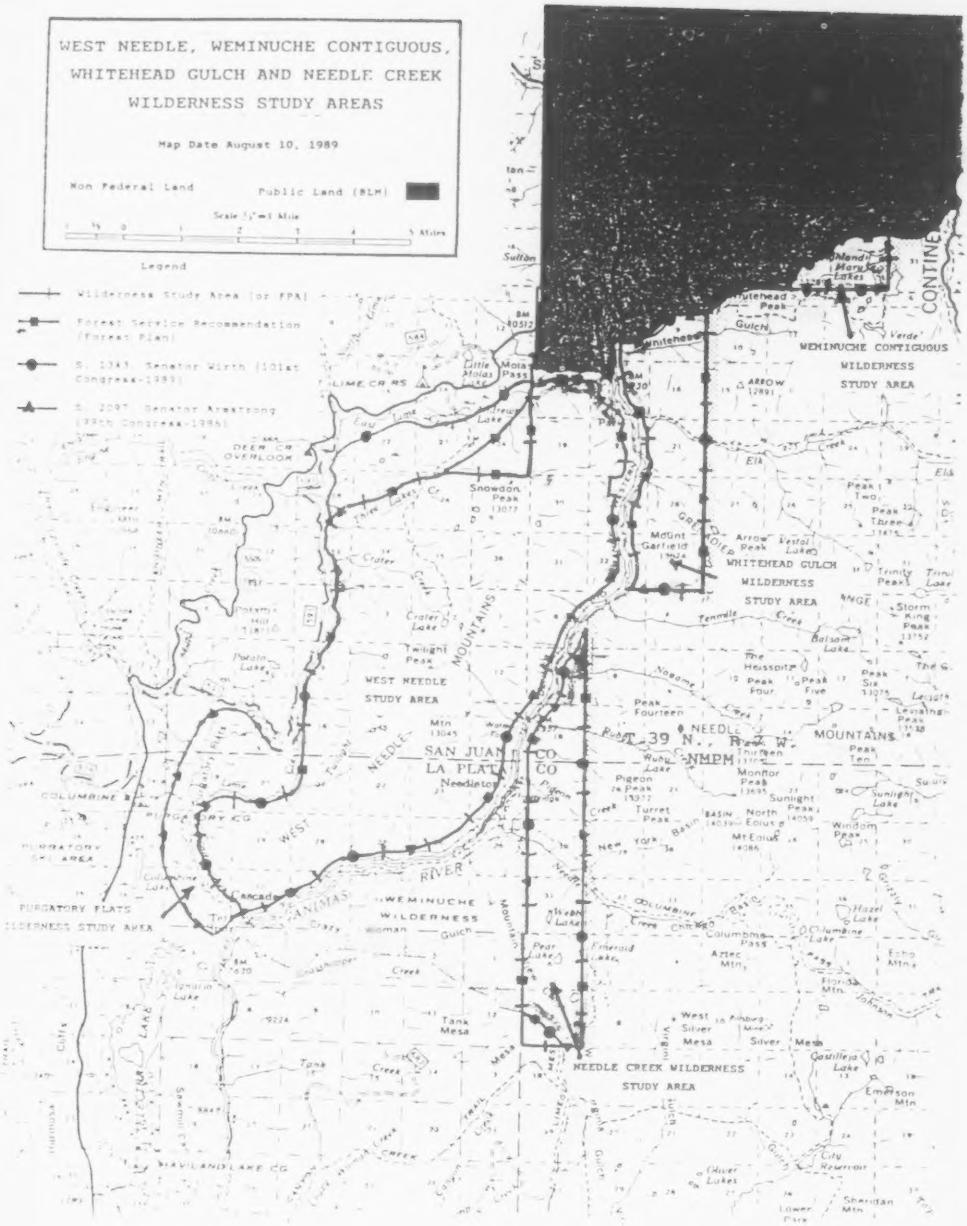
ST. LOUIS PEAK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 2 S., R. 76 W.
6TH PM
Tabernash
Ninemile Mtn
Sheep Mtn
Rocky Pt
Ptarmigan
Morse Mtn
ST LOUIS CREEK CG
Hideaway Park
Byers Pk
FRASER EXPERIMENTAL FOREST
Horseshoe Lake
St Louis Lake
Mt Nystrom
St Louis Pass
McQueary Lake
ARAPAHO
Vasquez Lake
Vasquez Pk
MOUNTAINS
Vasquez Pass
Stanley Mtn
Berthoud Falls
BERTHOUD PASS
Jones Pass
Red Mtn
Butler
Hassell Lake
SOUTH FORK CG
SUGARLOAF CG
NATIONAL
FORE
Engelmann Pk
Robeson Pk
Woods Mtn
Pettingell Pk
Herman Lake
Mount Parnassus
Bard Pk

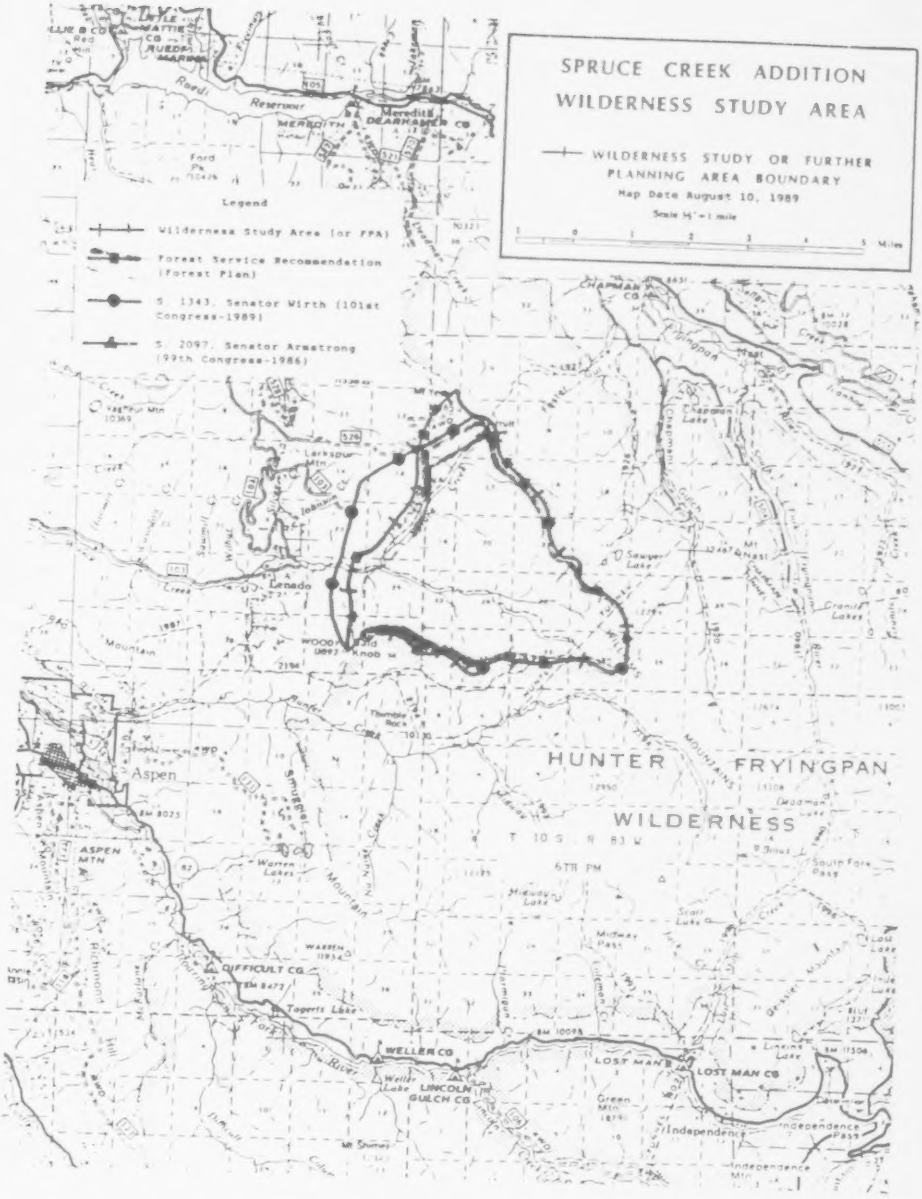

WILLIAMS FORK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1½" = 1 mile
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 2 S., R. 77 W.
6TH PM
HORSESHOE CG
Church Park
Ute Park
Horseshoe Lake
Lake Evelyn
Bills Pk
FRASER EXPERIMENTAL FOREST
ARAPAHO
NATIONAL
MOUNTAINS
Vasquez Pk
St Louis Pk
St Louis Pass
McQueary Lake
Jones Pass
Ute Pass
Eagle Roost
Prairie Mtn
SOUTH FORK
Ute Pk
GRAND CO
SUMMIT CO
Sugarloaf
Old Baldy
BLUE RIVER
Ptarmigan Pk
Ptarmigan Pass
Coon Hill
Herman Lake
Pettingell Pk
Mount Trelease
Woods Mtn
LOVELAND VALLEY
LOVELAND BASIN
Mount Sniktau
CONTINENTAL
Maryland
R.78W.
DILLON 5 MI
DILLON 4 MI
R.76W.
DILLON 7 MI
I 70 Highway

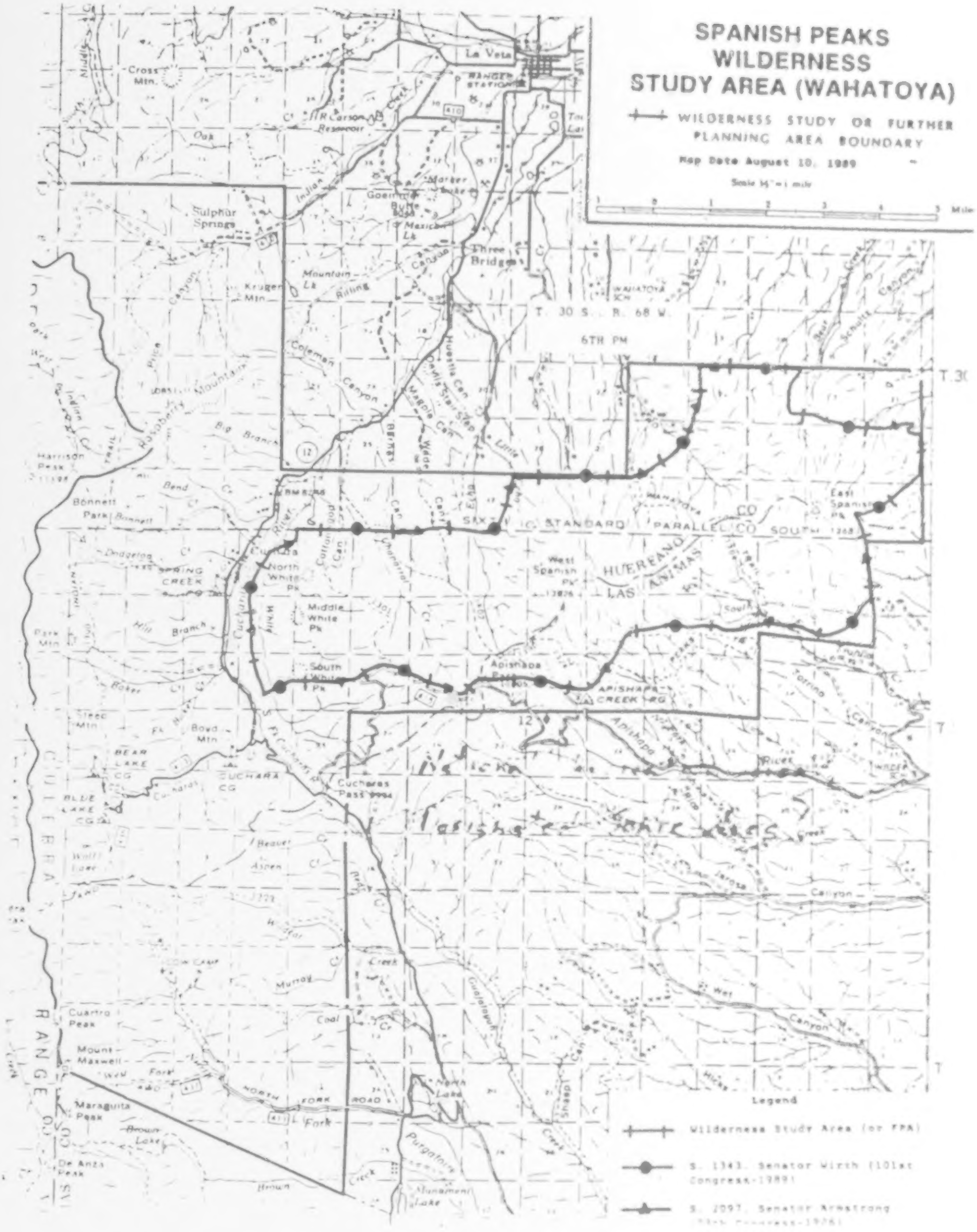

SERVICE CREEK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ¼" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. [illegible], Senator Armstrong (99th Congress-1986)
ARAPAHO
NATIONAL
FOREST
ROUTT CO.
GRAND CO.
NORTH
MEADOWS
FERNDALE PG
HARRISON CREEK PG
MORRISON
Green Creek
Service
Silver
Harrison Creek
Barber Basin
Buffalo Park
Mills Creek Res
Red Dirt Res
Red Dirt
Draper
Simpson
Woodchuck Mtn
KRAFT
Morrison
South Fork
High Rock
LYNX PASS
T. 2 N., R. 83 W.
6TH PM
40
134

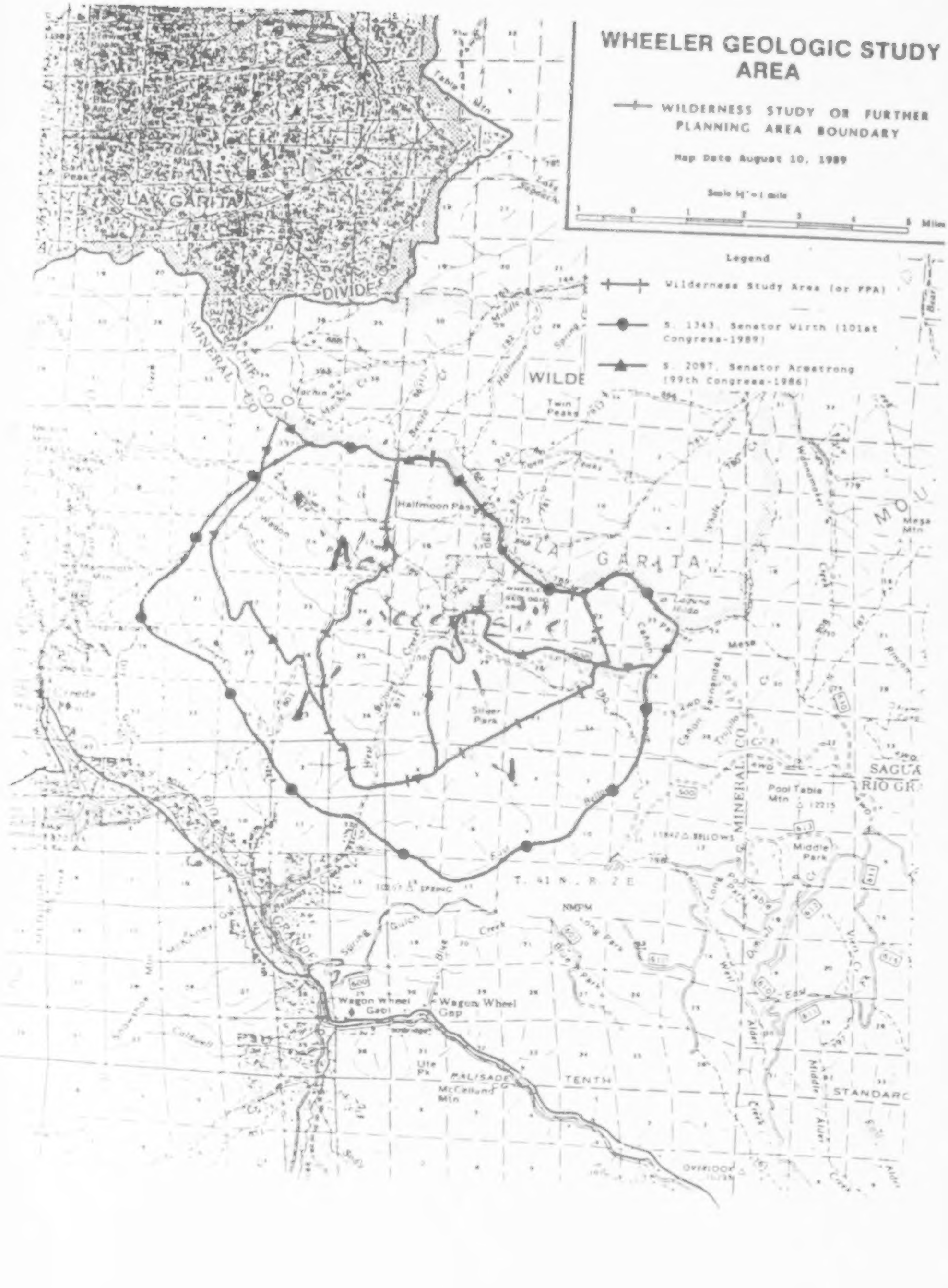

SOUTH SAN JUAN
EXPANSION
WILDERNESS STUDY AREA
(MONTEZUMA PEAK)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T 38N
T. 37 N., R. 2 E
NMPM
Mount Hope
Archuleta Lake
Big Meadows CG
Tucker Park
Wolf Creek Pass
WOLF CR PASS SKI AREA
Treasure Pass
MOUNTAINS
Silver Pass
Bonito Pass
Treasure Falls
Windy Pass
SILVER FALLS
ARCHULETA CO
Crater Lake
Long Trek Mountain
Montezuma Peak
Summit Pass
Elwood Pass
RIO GRANDE
CONEJOS
Prospect Mtn 12245
South Mtn
Summit Peak 13300
Quartz Lake
Nipple Mtn
Blackhead
EAST FORK CG
COAL
VELVET 12657
ARCHULETA CONEJOS
RIO GRANDE

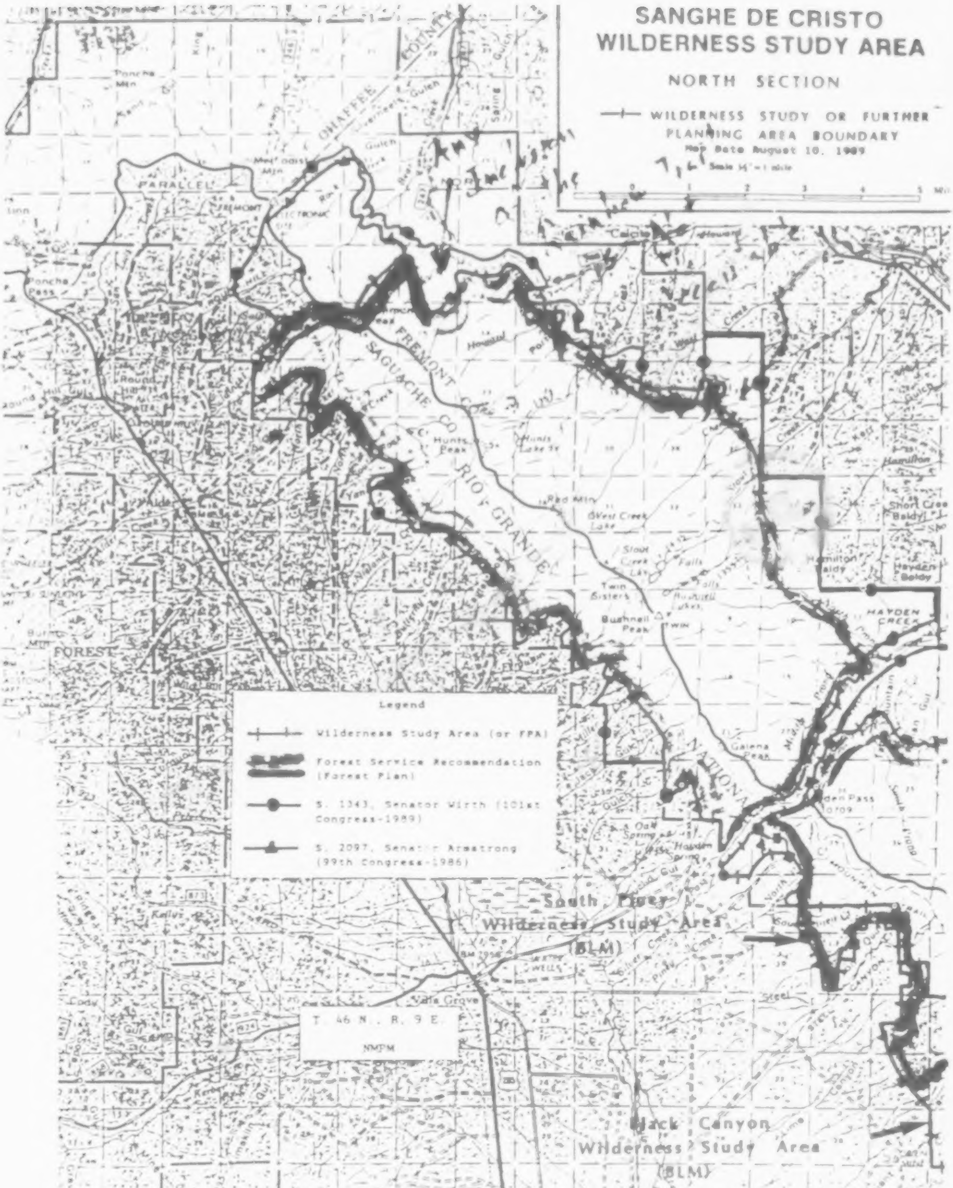

SOUTH SAN JUAN
EXPANSION
WILDERNESS STUDY AREA
(V-ROCK TRAIL)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
Summit Peak 13300
Quartz Ridge
Quartz Lake
Blanco
Little
Summit
Creek
ARCHULETA
CONEJOS
RIO
Nipple Mtn
Blackhead Peak 12495
Lake Ann
Velvet
The Needles
SNOW 12815
Gunsight Pass
Fish Lake
Middle
North Fork
Basin
Cabin 8073
Squaretop
Blanco 9621
Blanco Basin Road
New Lefthand Can
Blue Mtn 8871
Blue Cr
T. 34 N., R. 1 E.
NMPM
Opal Lake
Mountains
Hatfield Lake
Buckles Lake
Blanco River
Big Branch
Rock Trail
Chalk 12031
Elephant Head Rock
Beaver Creek
V Rock
Spring Creek Lakes
Kenney Flats
V Mountain 8164
Twin Lakes
Spring Creek
Navajo River
Cornish Hill
Navajo No 2
Navajo Peak
Gulch
Price Lakes
Banded Peak 12778
TIERRA
Mesa Cortada
Navajo River

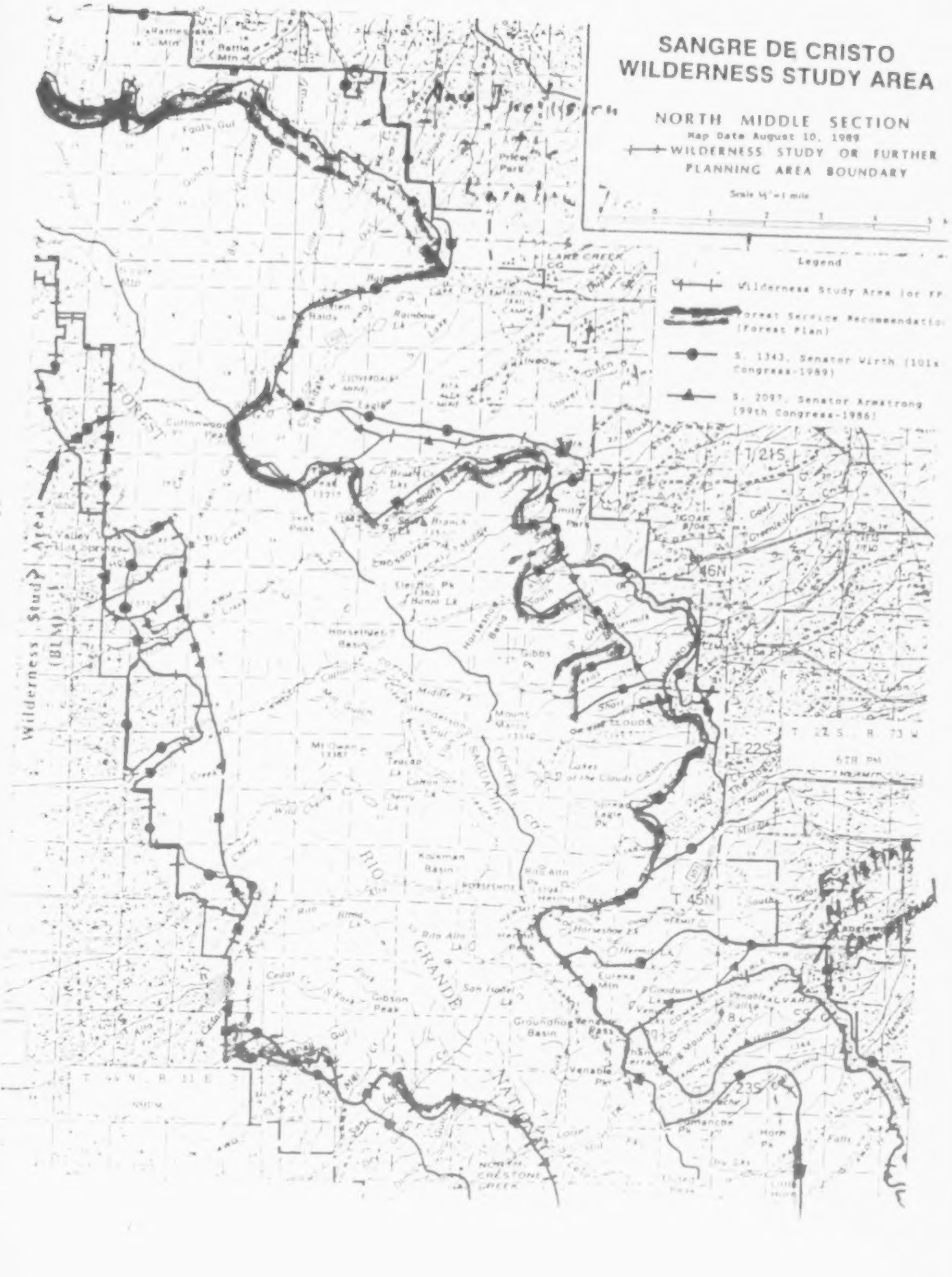

WEST NEEDLE, WEMINUCHE CONTIGUOUS, WHITEHEAD GULCH AND NEEDLE CREEK WILDERNESS STUDY AREAS
Map Date August 10, 1989
Non Federal Land
Public Land (BLM)
Scale 1/2"=1 Mile
0
1
2
3
4
5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343 Senator Wirth (101st Congress-1989)
S. 2097 Senator Armstrong (99th Congress-1986)
WEMINUCHE CONTIGUOUS WILDERNESS STUDY AREA
WHITEHEAD GULCH WILDERNESS STUDY AREA
WEST NEEDLE STUDY AREA
WEMINUCHE WILDERNESS
NEEDLE CREEK WILDERNESS STUDY AREA
PURGATORY FLATS WILDERNESS STUDY AREA
SAN JUAN CO
LA PLATA CO
T. 39 N., R. 7 W. NMPM
NEEDLE MOUNTAINS
WEST NEEDLE MOUNTAINS
ANIMAS RIVER
CONTINENTAL
Molas Pass
Little Molas Lake
LIME CR RS
DEER CR OVERLOOK
Snowdon Peak
Three Lakes Cr
Crater Lake
Twilight Peak
Mount Garfield
Whitehead Peak
Whitehead Gulch
Elk Creek
Arrow Peak
Vestal Lake
Trinity Peaks
Storm King Peak
Tenmile Creek
Balsam Lake
The Heisspitz
Peak Four
Peak Five
Peak Six
Peak Fourteen
Pigeon Peak
Turret Peak
North Eolus
Mt Eolus
Sunlight Peak
Windom Peak
Monitor Peak
Needleton
New York Basin
Columbine Pass
Chicago Basin
Hazel Lake
Aztec Mtn
Echo Mtn
Florida Mtn
Emerald Lake
Pear Lake
Webb Lake
Tank Mesa
West Silver Mesa
Silver Mesa
Castilleja Lake
Emerson Mtn
City Reservoir
Sheridan Mtn
Lower Park
Oliver Lakes
Crazy Woman Gulch
Grasshopper Creek
Tank Creek
Cascade
Purgatory CG
Purgatory Ski Area
Columbine Lake
Potato Lake
Potato Hill
Engineer Mtn
Haviland Lake CG
Electra Lake
Ignacio Lake
Sultan

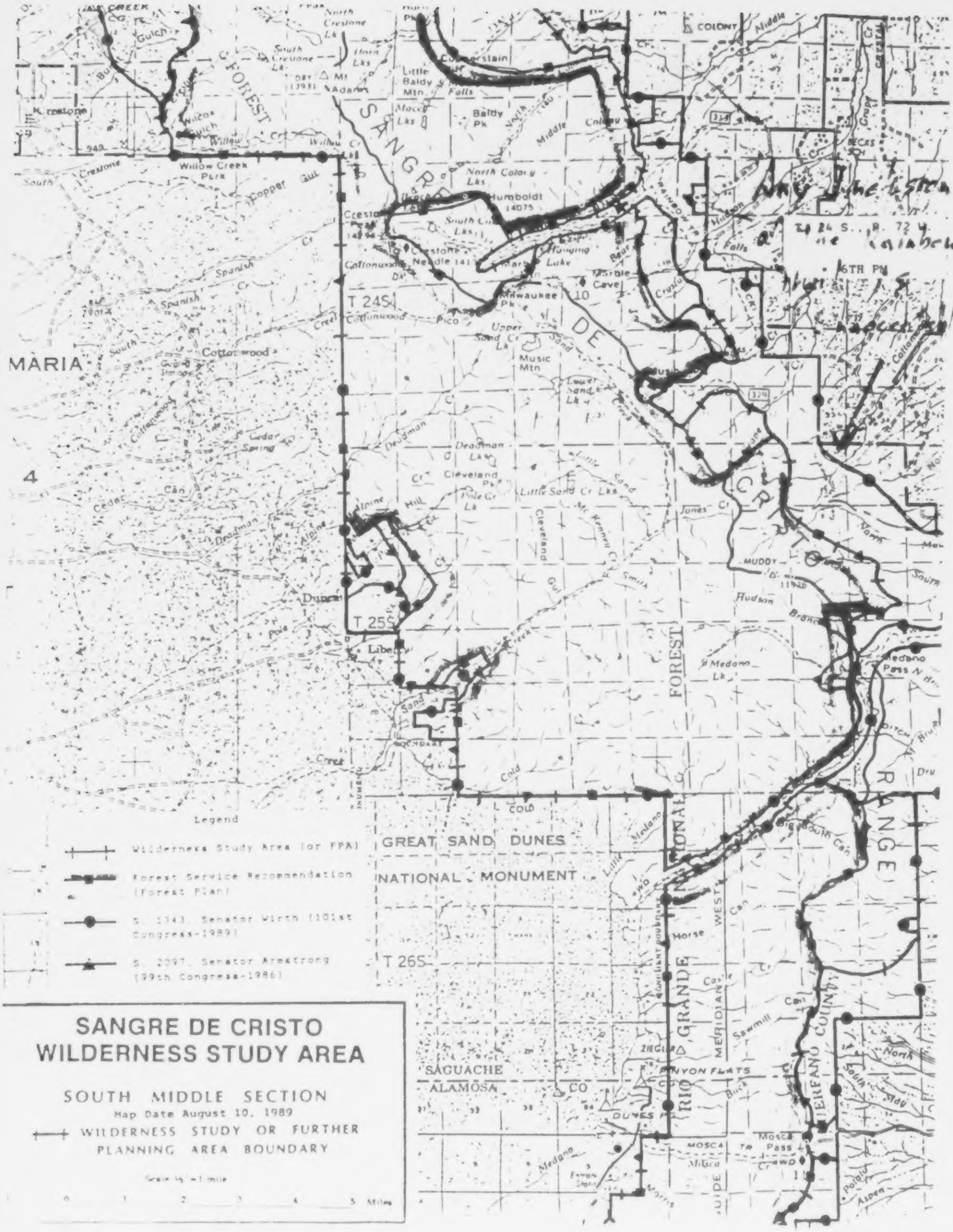

SPRUCE CREEK ADDITION
WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
Ruedi Reservoir
Meredith
DEARHAMER CG
MEREDITH
Ford Pk
CHAPMAN CG
Fryingpan
Chapman Lake
Larkspur Mtn
Lenado
Sawyer Lake
Mt Nast
Granite Lakes
Aspen
ASPEN MTN
Hunter
Thimble Rock
Smuggler Mountain
Warren Lakes
HUNTER FRYINGPAN WILDERNESS
T 10 S R 83 W
6TH PM
Midway Lake
Midway Pass
Deadman Lake
South Fork Pass
Lost Lake
DIFFICULT CG
BM 8472
Tagerts Lake
WELLER CG
Weller Lake
LINCOLN GULCH CG
LOST MAN
LOST MAN CG
Linkins Lake
Green Mtn
Independence
Independence Pass
Independence Mtn
Mt Shimer
Richmond Hill

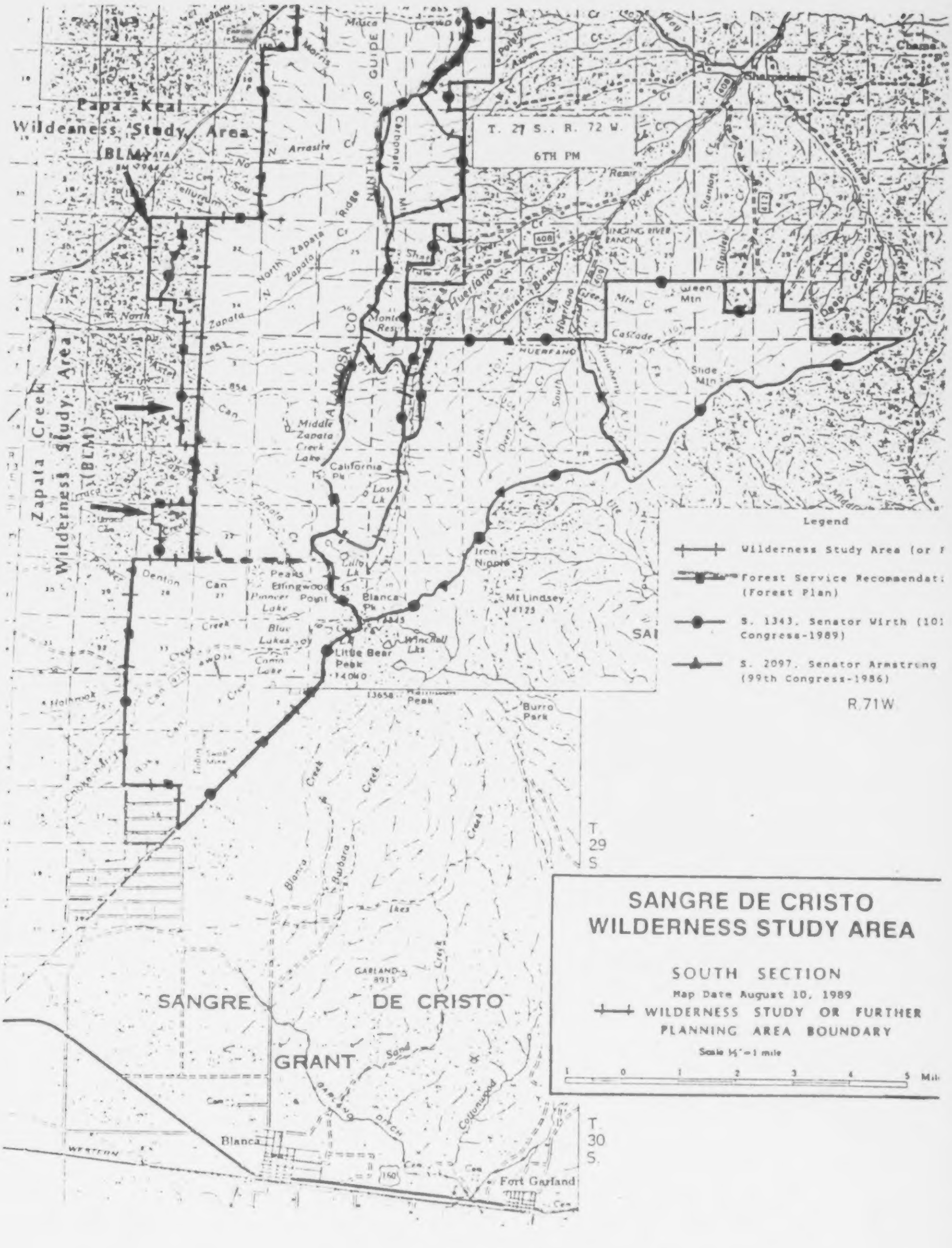

SPANISH PEAKS WILDERNESS STUDY AREA (WAHATOYA)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (94th Congress-1976)
La Veta
Cross Mtn.
Sulphur Springs
Goemmer Butte
Three Bridges
Kruger Mtn.
T. 30 S., R. 68 W.
6TH PM
SIXTH STANDARD PARALLEL SOUTH
HUERFANO CO
LAS ANIMAS CO
West Spanish Pk
East Spanish Pk
North White Pk
Middle White Pk
South White Pk
Cuchara
Cuchara Pass
Apishapa Creek
Bonnett Park
Harrison Peak
Park Mtn
Steel Mtn
Boyd Mtn
BEAR LAKE CG
BLUE LAKE CG
CUCHARA CG
Cuartro Peak
Mount Maxwell
Maraguita Peak
De Anza Peak
North Lake
Monument Lake
Purgatoire
CULEBRA RANGE


WHEELER GEOLOGIC STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1¼" = 1 mile
1 0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
LA GARITA
DIVIDE
MINERAL CO
Halfmoon Pass
Twin Peaks
LA GARITA
Silver Park
Creede
Pool Table Mtn
Middle Park
Wagon Wheel Gap
Ute Pk
McClelland Mtn
PALISADE
TENTH
STANDARD
T. 41 N., R. 2 E.
NMPM
RIO GRANDE
SAGUACHE
Mesa Mtn


SANGHE DE CRISTO
WILDERNESS STUDY AREA
NORTH SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
0
1
2
3
4
5 Mi
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
CHAFFEE COUNTY
FREMONT
SAGUACHE CO.
RIO GRANDE
NATIONAL
FOREST
PARALLEL
Poncha Mtn
Poncha Pass
Methodist Mtn
Calcite
Howard
Hunts Peak
Hunts Lake
Red Mtn
West Creek Lake
Stout Creek Lake
Twin Sisters
Bushnell Peak
Bushnell Lakes
Galena Peak
Hamilton Baldy
Short Creek Baldy
Hayden Baldy
HAYDEN CREEK
Hayden Pass
Villa Grove
T. 46 N., R. 9 E.
NMPM
South Fork Wilderness Study Area (BLM)
Black Canyon Wilderness Study Area (BLM)


SANGRE DE CRISTO
WILDERNESS STUDY AREA
NORTH MIDDLE SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
0
1
2
3
4
5
Legend
Wilderness Study Area (or FP
Forest Service Recommendatio
(Forest Plan)
S. 1343, Senator Wirth (101s
Congress-1989)
S. 2097, Senator Armstrong
(99th Congress-1986)
Wilderness Study Area (BLM)
Existing N.F. Campground
FOREST
RIO GRANDE NATIONAL
SAGUACHE CO
CUSTER CO
T 21S
T 22S
T 23S
T 46N
T 45N
R 73 W
6TH PM
LAKE CREEK CG
Cottonwood Pk
Electric Pk
Horseshoe Basin
Mt Owen
Mount Marcy
Lakes of the Clouds
Spread Eagle Pk
Rito Alto Pk
Hermit Pass
Eureka Mtn
Venable Pk
Comanche Pk
Horn Pk
Gibson Peak
Groundhog Basin
San Isabel Lk
Rainbow Lk
Valley View Hot Springs
Rattlesnake Mtn
Bettie Mtn
Foots Gul
Gibbs Pk
NORTH CRESTONE CREEK


SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH MIDDLE SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
0 1 2 3 4 5 Miles
Legend
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
GREAT SAND DUNES NATIONAL MONUMENT
SANGRE DE CRISTO RANGE
RIO GRANDE NATIONAL FOREST
HUERFANO COUNTY
SAGUACHE
ALAMOSA
T 24S
T 25S
T 26S
Crestone Peak 14294
Crestone Needle
Humboldt 14075
Music Mtn
Cleveland Pk
Milwaukee Pk
Medano Pass
Mosca Pass
Liberty
Duncan
Cottonwood
Willow Creek Park
COLONY
T 24 S., R. 72 W.
6TH PM


SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
Legend
Wilderness Study Area (or F
Forest Service Recommendati (Forest Plan)
S. 1343, Senator Wirth (101 Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 27 S., R. 72 W.
6TH PM
R.71W
T. 29 S.
T. 30 S.
Papa Keal Wilderness Study Area (BLM)
Zapata Creek Wilderness Study Area (BLM)
ALAMOSA CO.
HUERFANO
Middle Zapata Creek Lake
California Pk
Lost Lk
Lily Lk
Iron Nipple
Mt Lindsey 14125
Blanca Pk
Ellingwood Point
Pioneer Lake
Blue Lakes
Como Lake
Little Bear Peak 14040
Winchell Lks
Hamilton Peak
Burro Park
Slide Mtn
Cascade
Huerfano
Zapata
North Zapata Cr
SANGRE DE CRISTO GRANT
Blanca
Fort Garland
WESTERN

OCT 26 1989

STATEMENT IN SUPPORT OF SENATOR TIM WIRTH'S WILDERNESS LEGISLATION (Prepared by Dr. Devon Peña, Assistant Professor of Sociology and Southwest Studies, Colorado College, Colorado Springs, CO 80903).

The Colorado College is a private, non-denominational, liberal arts college located in Colorado Springs. The College, established in 1874, is a nationally-ranked undergraduate teaching institution. For over one hundred years, the College has distinguished itself as a leading institution of liberal learning. In more than a century of teaching excellence, the College has traditionally relied on its ideal location on the edge of some of the greatest wilderness areas in the Southwest to embark on its mission of preparing young men and women for the challenges of dealing with an ever-changing modern world.

As a member of the faculty of this distinguished institution, I would like to share with you some background on the critical role of wilderness areas in the College's curriculum and teaching mission. I would also like to share my insights on the significance of wilderness preservation both from a personal and an educational standpoint.

Over two dozen faculty teach what are referred to as "field studies" classes at the College. These include courses like Field Botany, Ecology, Ornithology, Geology of the Colorado Plateau, Geology and Ecology of the Southwest, Ethnohistory, The American Southwest: Heritage and Variety, The Natural History Essay, The American Naturalists, The Global Naturalists, Natural History, Energy Systems in ~~the So~~uthwest, The Wilderness Institute, The Southwest Studies Summer Institute, Environmental Economics, and many others too numerous to mention here. These field classes make use of the tremendous natural environments throughout the Colorado region and the American Southwest in general.

Since 1986, the College has been operating a branch campus in the San Luis Valley at the Luis Maria Baca Land Grant #4, located adjacent to Crestone, Colorado in the foothills of the Sangre de Cristo Mountains. Since Senator Wirth's bill would designate the Sangre de Cristo Mountains--from the edge of the Great Sand Dunes National Monument to the Arkansas River watershed above Salida--many College faculty members have developed considerable interest in this legislative initiative. The College's Baca Campus serves as an important field station and auxilary campus for all classes at the College. Literally hundreds of students in dozens of classes visit the Baca Campus every year. One of the prime attractions of the Baca for students and faculty alike is the proximity of several pristine wilderness areas. The Sangre de Cristo Mountains above the Baca, the Weminuche Wilderness in the area known as "The Bend," and the La Garita Wilderness in the Cochetopa and Stewart Creek watersheds of the San Juan Mountains are visited by College students and faculty on a regular basis.

Of particular importance to our classes is the access we enjoy to the wilderness settings of the Sangre de Cristo Mountains. In this setting, our students study the flora, fauna, geology, and hydrology of the Sangre de Cristo Mountains. Other students and faculty use the wilderness setting to learn about environmental ethics, natural history, and the history of the great American naturalist literary traditions. We also teach low impact camping skills and wilderness ethics in many of our classes. This unique setting allows us to study a variety of ecosystems, all within walking distance of the Baca Campus. We can study the Upper Sonoran, Desert Riparian, Piñon-Juniper Woodlands, Foothills Transition, Montane, Montane Riparian, Subalpine, Krummholz Transition, and Alpine Tundra ecological life zones simply by walking out the door of our lodgings and hiking up any one of the seven creeks that flow nearby. This natural environment is a tremendous educational resource for the College; one which we would hate to see impacted or even destroyed by ill-advised development. We are indeed fortunate to have such a unique natural environment as a setting to fulfill our educational mission.

Wilderness designation for the Sangre de Cristo Mountains would thus ensure that future generations of students from Colorado College, as well as from Adams State College, the University of Colorado campuses, and numerous other institutions of secondary and post-secondary education, will have the opportunity to study and learn in one of the last remaining pristine wilderness areas in the lower 48 states.

I have been with the College for five years. I have been fortunate to work with the College's Southwest Studies Program since my arrival here in 1984. As part of my teaching responsibilities at the College, I have been director of the Summer Wilderness Institute in 1987 and 1988. My work with the Wilderness Institute has demonstrated to me the incomperable significance of the Sangre de Cristo Mountains as a place for scholarly study certainly, but also as a setting where young men and women can develop moral and ethical standards worthy of respect in the modern world. I have watched young students from urban and rural backgrounds develop a sense of civic responsibility, self-reliance, and a cooperative spirit as a consequence of their immersion in the wilderness. After a week of backpacking and camping, these students emerge from the wilderness transformed into human beings with a new appreciation for the interdependent character of all lifeforms on our fragile planet. They gain new insights not only into the ecology and geology of the region, but into their own inner strengths and moral character.

Henry David Thoreau once said, "In wilderness is the preservation of the world." My experience with our students reinforces this adagio: we learn respect for the natural environment and other lifeforms in the wilderness; we learn the value of preserving our natural heritage; and we learn the value of preserving our legacy of native American worldviews which emphasized harmony with the earth. In preserving the wilderness, we preserve the very foundations of our civilization: the natural world which we are a part of. Aldo Leopold, the founder of the modern science of ecology, once observed that ecological diversity is the prerequisite for a healthy land. If we disturb the diversity of the natural world, we are destroying the complex web of interrelationships among the flora, fauna, water, and soil that sustain life on this planet.

Thus, the wilderness teaches us the profound lesson of a sustainable lifestyle. This is perhaps the greatest lesson of all: the preservation of wilderness challenges us to rethink our entire approach to economic development. And indeed, uncontrolled development may create undreamed of riches in the form of material wealth. But in the process, such an anthropocentric (human-centered) worldview contributes to the destruction of the natural world that sustains life and so robs us of our spiritual wealth. We must learn from the wilderness to accept our niche in the complex web of life. We must meet the challenge of balancing our needs for economic development with the preservation of the natural environment. The short-term focus on profit through uncontrolled development is not only destructive of the wilderness, it will over the long-term destroy the very basis of our economic systems. We destroy the wilderness not only at our own peril, but at the expense of future generations. Our future well-being may depend increasingly on ecologically-sustainable forms of economic development.

Allow me to make some specific points about the relationship between wilderness preservation and sustainable economic development. First the issue of water rights for wilderness areas. I understand that Senator Wirth's version of the legislation includes provision for federal reserved water rights in the headwater zones of the designated wilderness areas. Senator Armstrong's version does not include such a provision. This is a significant difference which merits serious, thoughtful consideration. If the wilderness areas do not receive federal reserved water rights, then the legislation will be ineffective, since water developers could intrude into the headwaters areas, thereby transforming the pristine character of the high mountain alpine zones. Senator Armstrong argues that headwater rights would interfere with the protection of private property rights for those located below the wilderness areas. This is simply not the case. In fact, the preservation of the pristine character of the headwaters would actually benefit the downstream rights of those concerned.

Numerous studies by hydrologists, ecologists, and other natural scientists demonstrate that the protection of wilderness headwaters benefits the entire chain of downstream ecosystems. The maintenance of minimum in-stream flow requirements through wilderness areas has at least two important benefits: first, it helps to stabilize the complex and fragile alpine ecosystems that--in their natural state--actually produce water through the accumulation of snowpack (and thus spring run-off); second, the preservation of headwaters supports the climatic stability of a given bioregion through the complex process of evapotranspiration. Evapotranspiration is a significant contributor to the convection storms that develop over the Colorado mountains during the summer months. In the absence of protected headwater riparian ecosystems, the process of evapotranspiration may be adversely affected and could result in prolonged drought. In light of the growing concern over the so-called Greenhouse Effect, and the acknowledged role of global deforestation in contributing to global warming, the preservation of wilderness water rights assumes even greater significance as one link in the complex meteorological phenomena that make possible the stable climatic conditions that support life on our planet. Another often overlooked benefit of headwaters preservation is in the control of soil erosion. As the disasterous deforestations in the Himalayan foothills and the Amazonian watersheds demonstrate, there is a relationship between the stablization of mountain ecosystems and downstream soil conservation and flood control.

In light of this overwhelming evidence, it is clear that the private property rights of downstream residents, farmers, and ranchers would be protected, and even enhanced, by the designation of federal reserved water rights for wilderness headwater zones. The benefits would be multiple: preservation of climatic stability, soil conservation, and the protection of groundwater are all affected by the in-stream flow patterns of the higher mountain ecosystems. The preservation of headwaters would also have a direct economic benefit by maintaining the use of these areas for hunting, fishing, and hiking. This translates into badly needed tourist dollars for the local economies. Such an approach would balance economic needs with the needs of the natural environment. This is an example of the type of sustainable development that we must promote in Colorado's mountain regions.

In closing, allow me to quote from Vandana Shiva, a leader in the efforts to confront the rampant deforestation of the Himalayan foothills:

> Somewhere along the way, the unbridled pursuit of progress, guided by science and technology, began to destroy life without any assessment of how fast and how much of the diversity of life on this planet is disappearing. The act of living and of celebrating and conserving life in all its diversity--in people and in nature--seems to have been sacrificed to progress (Staying Alive: Women, Ecology and Development, 1988, p. xiv).

We must work together to preserve the wilderness in a manner that balances our needs for sustainable economic development with the needs of the natural world for integrity and diversity. The preservation of the wilderness is the first step to the preservation of human life. Senator Tim Wirth's wilderness legislation is a significant first step in the direction of a sustainable program that will guarantee the safety and health of the planet for future generations.

Respectfully submitted,

Devon G. Pena

Devon G. Peña, Ph.D.
Assistant Professor
Department of Sociology
Colorado College
14 East Cache La Poudre St.
Colorado Springs, CO 80903

(719) 389-6642

The views expressed in this statement do not necessarily reflect the official policies or views of The Colorado College faculty, staff, administration, or trustees. They are the sole responsibility of the author.

October 23, 1989

Vanessa Austin
2121 Wyandot Dr.
Denver, Co 80221

Senator Tim Wirth
1129 Pennsylvania
Denver, CO 80203
Senate Sub-Committee

Dear Senator Wirth,

I am writing to express my support of your continuing effort to have The Wilderness Bill become a reality. When I first received the letter from CEC asking me to go out and get signatures for this Bill, I was a little hesitant. It appeared that the Bill had a good chance of passing, without my extra effort. I initally planned to get a few signatures from my friends and around the office. I was quite suprised to find such enthusiasm for it. Almost all of the people I asked directly were eager to sign the petition. I heard many comments from people wanting to protect our few remaining natural areas. Some even volunteered to take a petition and get some signatures on their own. I believe that public support of The Wilderness Bill is strong, and if it is ever voted on, it would surely pass.

I feel that The Wilderness Bill is a very important step in the direction of responsible use of our natural resources. Developing these areas to the fullest many seem like a fine idea to some, but, inevitably the beauty of the natural area is lost forever. Many people live or visit Colorado especially to enjoy the beauty and wildlife native to the area. Looking off into the distance and seeing bald, scarred mountains, devoid of life is not what people around here want. Please keep up the fight, the people are with you!

Sincerely Yours,

Vanessa Austin

Vanessa Austin

State Representative
PEGGY REEVES
1931 Sandalwood Lane
Fort Collins, Colorado 80526
Home 482-8952
Business 229-9200
Capitol 866-2917

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Member:
Finance Committee
Capital Development Committee

October 27, 1989

The Honorable Timothy E. Wirth
380 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Wirth:

I regret that I cannot testify in person at today's Energy and Natural Resources Committee hearing on S.1343, a bill you have introduced to expand wilderness in Colorado. I am pleased, however, to have this opportunity to write on behalf of your proposal -- and to lend my voice to those of other Colorado legislators who support the preservation of our environment and protection for wilderness areas.

I share your view that the people of Colorado want to ensure that our state's water resources are developed to support agriculture, business and the needs of our growing urban areas. At the same time, I believe that protection for wildlife habitat, fishing streams and our state's high elevation wilderness areas is needed. Our challenge as legislators and policy makers is to find a balance between the need for development and the preservation of our natural resources.

The Colorado House District I represent is an urban area where most citizens work hard to support their families and their neighborhoods. On week-ends and on vacations, many families like to hunt, fish and hike in our Colorado mountains. Recreation is an important part of our state's economy and culture -- and wilderness is an important component in recreation. I believe that the people of my district want to know that at least a small portion of our high country is protected for future generations.

The controversy between developers and conservationists over water rights in wilderness areas is both complex and emotional. I believe that your bill, S.1343, represents a compromise proposal that fairly addresses this controversy and I sincerely hope that the Colorado Congressional Delegation will work together in passing new wilderness legislation this year.

Sincerely,

Peggy Reeves

Peggy Reeves

PR:rf

OCT 26 1990

To the Senate Sub-Committee conducting hearings on Senator Tim Wirth's Wilderness bill:

This past summer I had the privilege to be a student in Colorado College's Wilderness Institute. Colorado College takes an innovative approach to education in that only one course is taken in a three week block of time. This allows a geology class, for example, to go out into the field and learn from the rocks as well as the professor. In a television culture, this hands-on experience is priceless and productive. It revitalizes the educative process. Likewise, the students in the Wilderness Institute explored, lived in and wrote about the Sangre de Christo Mountains and the La Garita Wilderness. No college in the world could have provided better classrooms.

We became part of Nature's interdependent systems and brought back experiences, of ourselves as well as Wilderness, impossible to have anywhere else in our society. Undisturbed Nature provides for us stable patterns and necessary limits in a world which inclines, under our influence, towards instability.

In our study of American nature writing, we learned that Wilderness is part of our heritage as Americans; that it shaped our unique national character: hardy, practical, independent. Can we be Americans without Wilderness? Can we survive without learning the lessons that Wilderness teaches?

Henry David Thoreau, perhaps our most famous nature writer, refused to visit both Yosemite and the Amazon rainforest. His energies were spent in exploring the Wilderness close to his home. Every American should have a Wilderness to explore close to home. As Thoreau said, Wilderness teaches us things a garden cannot.

Anyone can make a lawn. Only God can make Wilderness. Once we have sold it, Wilderness can't be bought back.

Please pass Senator Wirth's bill as soon as possible.

Thank you,

Sherrye Landrum

Sherrye Landrum
3950 Broadmoor Valley Road
Colorado Springs, CO 80906

OCT 20 1989

1809 E. Tufts Ave.
Englewood
Colo. 80110
16 October, 1989

Honorable Senator Tim Wirth
1129 Pennsylvania Street
Denver
Colo. 80203-4640

Dear Senator Wirth

This letter is submitted in support of Your Colorado Wilderness Bill. It is requested that it be entered into and made a part of the Senate Public Lands, National Parks and Forests Subcommittee Hearings scheduled for 28 October 1989 in Denver.

I am a native of Colorado and was brought up and still own my home near Westcliffe on Swift Creek in the foot of the Sangre de Christo Mountains. Ever since I testified for the original wilderness legislation in the 1960's, I have hoped that the mountains I call home could be protected from development and commercialization. I feel that S. 1343 will provide protection and I recommend its passage with no deletions.

I have hiked, climbed, back packed, and fished in nearly all of the areas that S. 1343 supports as wilderness and I fully agree that each should be preserved.

Aside from my personal love of wild areas with free flowing water, it must be recognized that tourism is an important part of Colorado's economy. The main attraction for tourism in Colorado is visiting unspoiled mountains and streams. Water that runs through a wilderness area provides the beauty, the sound, the fish and wild animal habitat necessary for the nature lover and is still available for agriculture after it leaves the wilderness.

I request full support for the Colorado Wilderness Bill. I thank the committee for holding the hearing and I particularly thank Senator Wirth for his continued efforts to establish wilderness preservation in Colorado.

Sincerely,

David Waddington
David Waddington

Oct 17, 1989

Dear Senator Wirth, OCT 19 1989

I strongly support wilderness Bill S 1343, We have to save some of our precious land to remain as nature meant for it to be. The only way to protect this precious land is to enact this bill.

Thank you

Sincerely

Jane Lanners

[illegible]T 23 1989

REPUBLICANS FOR AMERICAN WILDERNESS
P.O. BOX CC, BUENA VISTA, COLORADO 81211

October 19, 1989

Senator Tim Wirth
U.S. Senate
Washington, D.C. 20510

Dear Senator Wirth:

I regret that I will be unable to attend the public hearing for S.1343 in Denver on 10/38. I'll be in the Grand Canyon (which I don't regret), but would like to submit comment for the hearing record. I'd appreciate your forwarding my request to the proper subcommittee staff person.

Thank you very much.

Sincerely,

Dick Scar

Dick Scar

DS/js

REPUBLICANS FOR AMERICAN WILDERNESS
P.O. BOX CC, BUENA VISTA, COLORADO 81211

Senate Public Lands, National Parks
and Forests Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Senators:

I speak for those registered Republicans who see the remaining wild areas in our country as a valuable national resource needing protection. The value is many-faceted (economic, biologic, aesthetic, educational, recreational) and will increase greatly with time. The preservation of wilderness in the United States will prove to be prudent and wise as similar areas in other parts of the world are rapidly disappearing. Future generations of U.S. citizens will be grateful for our foresight.

But frankly, I am embarrassed by the failure of the Colorado Congressional Delegation to get together in unanimous support for the Colorado Wilderness Bill, S.1343, recently introduced by Senator Wirth. This bill includes areas which have overwhelming support of Coloradans for protection and completely eliminates conflicts over water rights. This bill should be passed without delay.

I respectfully request that these comments be included in the public hearing record on S. 1343.

Sincerely,

Dick Scar

Dick Scar

DS/js

cc: Senator Armstrong
Senator Wirth
Congressman Hefley

OCT 23 1989

625 South Canosa Court
Denver, Colorado 80219
October 20, 1989

Dear Senator Wirth:

We request that this be made a part of the Wilderness Hearings, scheduled for October 28, 1989. We regret we will be unable to attend.

We very much endorse your proposed Wilderness package. We hope the Senate will move forward on this long-overdue piece of legislation.

We also appreciate the fact that, unlike the Corps of Engineers or EPA who held Two Forks hearings in expensive hotel rooms, you chose to hold the hearing in an already-paid-for public facility. Thank you!

Sincerely,

Kathy Glatz Jon Elliott

Kathy Glatz
Jon Elliott

OCT 23 1989

Oct. 21, 1989

Dear Senator Wirth,

I am writing to you on behalf of the Wirth wilderness bill. I completely support this bill, being an avid wilderness user myself. Although water development is an important future consideration in our state, I believe the proposed legislation will provide minimal conflict with water use interests, yet still offer greater wilderness area protection. And I'm all for more protection! Colorado wild lands have been compromised enough and something must be done now to ensure their future protection.

Tourism is one of Colorado's leading industries and it continues to increase. Tourism hasnt faltered as have other industries here, particularly the oil industry in recent times. We must preserve that which draws people to our beautiful state — spectacular natural scenery. I moved here 9 years ago to experience Colorado's mountain beauty and I've chosen to stay here because of it. Some years back I helped fight the "Sagebrush Rebellion" in Arizona, and I will help fight exploitive land development in Colorado to help preserve the beauty of this land, both now and in the future.

Although I will be unable to attend the upcoming Senate Subcommittee hearing on October 28th as I'd hoped, I'll be there in spirit, nonetheless. Please vote YES for the Wirth wilderness bill. It's the least we can do for our state!

Sincerely,

Catherine A. Staub

State Representative
JO ANN GROFF
8101 Meade Street
Westminster, Colorado 80030
Home: 429-7261
Capitol: 866-2913

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Member:
Finance Committee
Legislative Audit
Committee

October 28, 1989

The Honorable Timothy E. Wirth
United States Senate
Energy and Natural Resources Committee
1129 Pennsylvania St.
Denver, CO 80203

Dear Senator Wirth:

I regret that I cannot testify in person at today's Energy and Natural Resources Committee hearing on S. 1343, a bill you have introduced to expand wilderness in Colorado. I am pleased, however, to have this opportunity to write on behalf of your proposal -- and to lend my voice to those of other Colorado legislators who support the preservation of our environment and protection for wilderness areas.

I share your view that the people of Colorado want to ensure that our state's water resources are developed to support agriculture, business and the needs of our growing urban areas. At the same time, I believe that protection for wildlife habitat, fishing streams and our state's high elevation wilderness area is needed. Our challenge as legislators and policy makers is to find a balance between the need for development and preservation of our natural resources.

The Colorado House District I represent is a fairly urban area where thousands of families work hard to pay their bills and support their neighborhoods. On week-ends and on vacations, these same families like to hunt, fish and hike in our Colorado mountains. Recreation is an important part of our state's economy and culture -- and wilderness is an important component in recreation. I believe that the people of my district want to know that at least a small portion of our high country is protected for future generations.

The Honorable Timothy E. Wirth
October 28, 1989
Page 2

The controversy between developers and conservationists over water rights in wilderness areas is both complex and emotional. I believe that your bill, S. 1343, represents a compromise proposal that fairly addresses this controversy and I sincerely hope that the Colorado Congressional Delegation will work together in passing new wilderness legislation this year.

Thank you again for the opportunity to offer these comments to your committee.

Sincerely yours,

JoAnn

JoAnn Groff
State Representative

JG/jw

State Representative
JO ANN GROFF
8101 Meade Street
Westminster, Colorado 80030
Home 429-7261
Capitol 866-2913

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Member:
Finance Committee
Legislative Audit Committee

October 28, 1989

The Honorable Timothy E. Wirth
United States Senate
Energy and Natural Resources Committee
1129 Pennsylvania St.
Denver, CO 80203

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The controversy between developers and conservationists over water rights in wilderness areas is both complex and emotional. I believe that your bill, S. 1343, represents a compromise proposal that fairly addresses this controversy and I sincerely hope that the Colorado Congressional Delegation will work together in passing new wilderness legislation this year.

Thank you again for the opportunity to offer these comments to your committee.

Sincerely yours,

JoAnn Groff
State Representative

JG/jw

10/24/89

OCT 25 1989

Dear Senator Wirth:

I am in favor of the Wilderness Bill and hope it passes. Keep up the good work.

Sincerely,

Margaret E. Wesner
739 Calle de Caballos
Pueblo, West, Co 81007

OCT 24 1989

Duane Onodera
1170 Bellaire 202
Denver, CO 80220
October 22, 1989

The Honorable Senator Wirth

Dear Sir:

I an writing in support of passage of your Wilderness Bill. The pressing need for the preservation of what remains of the wilderness and wildlife in this country and indeed the world is an issue not of luxury, but of necessity for our quality of life and well being. The development and exploitation of land is a folly of short profit for a few. The preservation of wilderness remains a long term benefirt for all. There can be no doubt in which direction we must move--towards the protection of nature -.- and the commonwealth.

Sincerely yours,

Duane Onodera

Duane Onodera

OCT 25 1989

10-23-89

Dear Senator Wirth:

Just a brief note to express my support of your Colorado wilderness bill.

In addition, I am an advocate of wilderness in general, and give financial support to organizations such as the Wilderness Society.

Sincerely,

Dan Johnson

Dan Johnson
7080 South Uinta St.
Englewood, Co. 80112

OCT 25 1989

October 24, 1989

Senate Subcommittee for Public Lands
Wilderness Hearing
c/o Senator Tim Wirth
1129 Pennsylvania
Denver, Colorado 80203

Gentlemen:

This is to express my support for Senate Bill 1343, the Wilderness Bill.

Sincerely,

Virginia Miller
1055 Logan #209
Denver, Colorado 80203

State Representative
RUTH WRIGHT
1440 High Street
Boulder Colorado 80304
Home 443-8607
Capitol 866-5523

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

House Minority Leader

Member
Legislative Council
Legal Services
Committee

October 28, 1989

The Honorable Timothy E. Wirth
United States Senate
Energy and Natural Resources Committee
Washington, D.C. 20510

Dear Senator Wirth:

I regret that I cannot testify in person at today's Energy and Natural Resources Committee hearing on S.1343, a bill you have introduced to expand wilderness in Colorado. I am pleased, however, to have this opportunity to write on behalf of your proposal - and to lend my voice to those of other Colorado legislators who support the preservation of our environment and protection for wilderness areas.

I share your view that the people of Colorado want to ensure that our state's water resources are available to support agriculture, business and the needs of our growing urban areas. At the same time, I believe that protection for wildlife habitat, fishing streams and our state's high elevation wilderness areas is needed. Our challenge as legislators and policy makers is to find a balance between the need for development and preservation of our natural resources.

The Colorado House District I represent is a fairly urban area where thousands of families work hard to pay their bills and support their neighborhoods. On weekends and on vacations, these same families like to hunt, fish and hike in our Colorado mountains. Recreation is an important part of our state's economy and culture - and wilderness is an important component in recreation. I believe that the people of my district want to know that at least a small portion of our high country is protected for future generations.

The controversy between developers and conservationists over water rights in wilderness areas is both complex and emotional. I believe that your bill, S.1343, represents a compromise proposal that fairly addresses this controversy and I sincerely hope that the Colorado Congressional Delegation will work together in passing new wilderness legislation this year.

Sincerely,

Ruth Wright

Ruth Wright
House Minority Leader

RW/cma

TOWN OF BUENA VISTA

Post Office Box 2002
Buena Vista, Colorado 81211
Phone (719) 395-8643

October 23, 1989

Senator Dale Bumpers, Chairman
Senate Public Lands, National Parks and Forests Subcommittee
U.S. Senate
Washington, D. C. 20510

Dear Chairman Bumpers:

We ask that these comments be included in the hearing record for S. 1343, the 1989 Colorado Wilderness Bill introduced by Senator Wirth.

Those of us who live in Buena Vista, Colorado are fortunate to be surrounded by some of the most spectacular scenery in the nation. Besides providing a beautiful place to live, the scenic landscape is an important resource for our state and nation. During the current big game seasons, for example, many visitors from throughout the country are in town to hunt in nearby public lands. Outdoor recreation is becoming increasingly important to our local economy. The newly-dedicated 470 mile long Colorado Trail passes through nearby mountains, including the Collegiate Peaks Wilderness which was designated in 1980.

Now is the time to protect more pieces of this natural resource throughout the state. Senator Tim Wirth has introduced the 1989 Colorado Wilderness Bill (S. 1343) which would designate 750,000 acres in 17 different areas. We urge prompt consideration of this bill in Congress. Of particular importance to us would be designation of the Buffalo Peaks and Sangre de Cristo areas, both of which are visible from our town. They would be important assets for our future.

Sincerely,

Mayor
Dick Scar
Trustee
Richard S. Fisher
Trustee
Charles E. Seal
Trustee

Trustee

Trustee

Trustee

Trustee
Julia E. Hupper
Town Administrator

OCT 27 1989

Stone Forest Industries Inc.

P.O. Box 188
South Fork, Colorado 81154
Telephone (719) 873-5521

October 26, 1989

The Honorable Timothy Wirth
1129 Pennsylvania Street
Denver, CO 80203

Dear Senator Wirth:

We are opposed to the large amount of Wilderness additions within the State of Colorado as defined within your proposed bill. The increasing demand nationwide on all the multiple-use resources of our National Forests does not justify the large amount of additional acreage being tied up for one specific use, Wilderness. It also puts adjacent lands at risk from the standpoint of insect or disease epidemics and fires (i.e., Yellowstone). Wilderness incurs a cost to the Federal Agency without producing any direct revenue. In effect, we have below cost Wilderness Acres.

The Wheeler Geologic Area does not fit the criteria for Wilderness and already receives protection of its unique features. The proposed wilderness designation will eliminate the recreation opportunity for a portion of the population who now visit the area in motorized vehicles on long established jeep roads. As in other cases, many of the people who now enjoy these areas are older or handicapped and would be physically unable to visit these areas if they received wilderness designation.

Your proposed areas also include suitable timber lands. With the pressure on National Forests to reduce the respective Allowable Sale Quantity of Forest Products (i.e., the proposed reduction on the Rio Grande National Forest to 25 MMBF annually) any loss of suitable timber lands will have a detrimental effect as these suitable lands are used in determining how much timber a forest can produce. For each one million board feet the Rio Grande National Forest reduces its Annual Sale Quantity, the San Luis Valley will lose 10-11 jobs, approximately $120,000.00 in personal income and tax base, and $16,000.00 in payment to counties. The amount of Timber Industry Employment and Income lost cannot be replaced with Tourism and Service Jobs. Most Service related employment pays less than Industry Jobs and does not provide the benefits that Industry does.

IQS

October 26, 1989
Senator Timothy Wirth
Page 2

Any Wilderness Bill must contain hard release language. This would insure that other lands would be released to the specific management intent of the Forest Plans and they would not have to undergo another round of unnecessary, costly Wilderness consideration. Your proposal for additional Wilderness does not fully account for existing uses that would be lost, future options that would be foregone, and the detrimental effect on local economies that will result through its passage.

Sincerely,

Kevin W. Cain

Kevin W. Cain
Regional Timber Manager

KWC:bam

Oct. 28, 1989

In this era of mass consumption of resources on a daily basis, the preservation of wilderness areas with the strongest protection possible of their ecosystems is essential for the well being of this nation as well as Colorado.

My husband, Bill Foreman, and I favor S. 1343 as it is written with the reservation of federal water rigts for the designated wilderness areas.

* For the public hearing record.

Linda Morgan
30 Morningside Dr.
Wheat Ridge CO 80215

As a member of the Wilderness Society and Greenpeace I would appreciate my statement being put on record. I strongly urge the passage of Senator Wirth's Senate bill 1343.

Sincerely,
Jacquie Davey
Fort Collins, Colorado

COLORADO MINING ASSOCIATION
1340 Colorado State Bank Building
1600 Broadway
Denver CO 80202
(303) 894-0536

MEC
MINERALS EXPLORATION COALITION
2700 Youngfield
Suite 200
Lakewood, Colorado 80215
Phone: (303)232-4310
FAX: (303)233-3347

November 10, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
364 Dirkson Senate Office Building
Washington, DC 20008

RE: Colorado Wilderness Act of 1989

Dear Senator Bumpers:

Enclosed please find ten copies of a report entitled, "Colorado Wilderness Study Areas, Mineral Information and Proposed Boundary Recommendations," being submitted to the Subcommittee as testimony on the Colorado Wilderness Act of 1989 (S.1343). The testimony is provided jointly on behalf of the Colorado Mining Association and the Minerals Exploration Coalition.

The Colorado Mining Association membership includes approximately 1400 mine and mineral milling operators, mining equipment suppliers, professionals, and administrators operating and supporting the mining industry in Colorado. The Minerals Exploration Coalition represents member companies and individuals engaged in the exploration of hardrock minerals. The membership of the Minerals Exploration Coalition includes major mining companies, small mining companies, mineral exploration consultants, and individuals associated with mining and exploration.

We appreciate this opportunity to provide testimony on the Colorado Wilderness Act of 1989.

Sincerely,

Jerry W. Danni, Chairman
Minerals Exploration Coalition
Legislative Committee

JWD:mef

Enclosure

cc: David Cole, President - Colorado Mining Association
John Wells, President - Minerals Exploration Coalition

COLORADO WILDERNESS STUDY AREAS

MINERAL INFORMATION
and
PROPOSED BOUNDARY RECOMMENDATIONS

Presented By

COLORADO MINING ASSOCIATION
and
MINERALS EXPLORATION COALITION

November 10, 1989

1. BUFFALO PEAKS - WSA

Size:
56,950 acres - Study Area
43,800 acres - Armstrong's 1986 Bill
58,160 acres - Wirth's 1989 Bill
36,060 acres - USFS 1989 Plan

Pike and San Isabel National Forests, (RARE II, A2-250 wilderness recommendation)

Lake, Chaffee and Park Counties, Colorado; Fifth Congressional District

Location: About 5 miles north of Buena Vista

Recommendations

A.) Forest Service -

Forest Service (R-2), Wilderness Study Report, August, 1982.

Capable: Yes. (WARS, 18). Area manageable.

Available: No. Needed for management of wildlife habitat, minerals, suitable forest land for local fuelwood production.

Need: No. Because of proximity to existing wilderness.

Total area is recommended as unsuitable for inclusion in the National Wilderness Preservation System.

B.) CMA & MEC - 50,390 acres (Est.); propose boundary change.

Mineral Potential

Mineral potential is high in the general areas in and around the inactive mining districts. The Weston Pass District near the northern end of the WSA is strong in silver-lead-zinc mineralization which extends southeast into the WSA.

The western edge is rich in uranium anomalies including tungsten, thorium and other rare-earth elements. In addition, part of this Low Pass Gulch area is within the Granite silver-lead-zinc mining district which has potential for base metals and gold.

East and southeast of Buffalo Peaks, strong anomalies of uranium, vanadium, copper, lithium, manganese and zinc are common.

Probable potential exists for barite in Rough and Tumbling Creek and along Spring Creek on the eastern edge. Barium is also evident in the general vicinity along the Buffalo Creek fault.

The Parkdale iron pit in the Salt creek district at the southern end of the WSA indicates occurrences of uranium and rare-earth elements.

The USGS (Professional Paper 1300) suggests further study in all the areas offering some promise for identification of concealed minerals.

1. **BUFFALO PEAKS** - Page 2

The USBM (Mineral Summary, Oct., 1989) points out that drilling is required to evaluate the silver-lead-zinc deposits near Weston Pass, and highlights the importance of the uranium deposit on Salt Creek.

Recorded Production

65,000 - 97,000 ounces of gold in early 1900's within two miles of WSA.

Granite District: Produced approximately $3 million through 1918 from placer deposits. Active placer mining in Lost Canyon produced $3,800 in 1980. Development work at the Bemmo Mine was undertaken in 1980.

Four Mile District: Was active 1935-1940 (shut down by WWII). Produced at least 92.5 oz. Au, 336 oz. Ag, 1000 lbs. Cu, and 30,000 lbs. Zn.

Weston Pass District: Mines: Ruby, Cincinnati, Colin Cambell. Produced approximately $125,000.

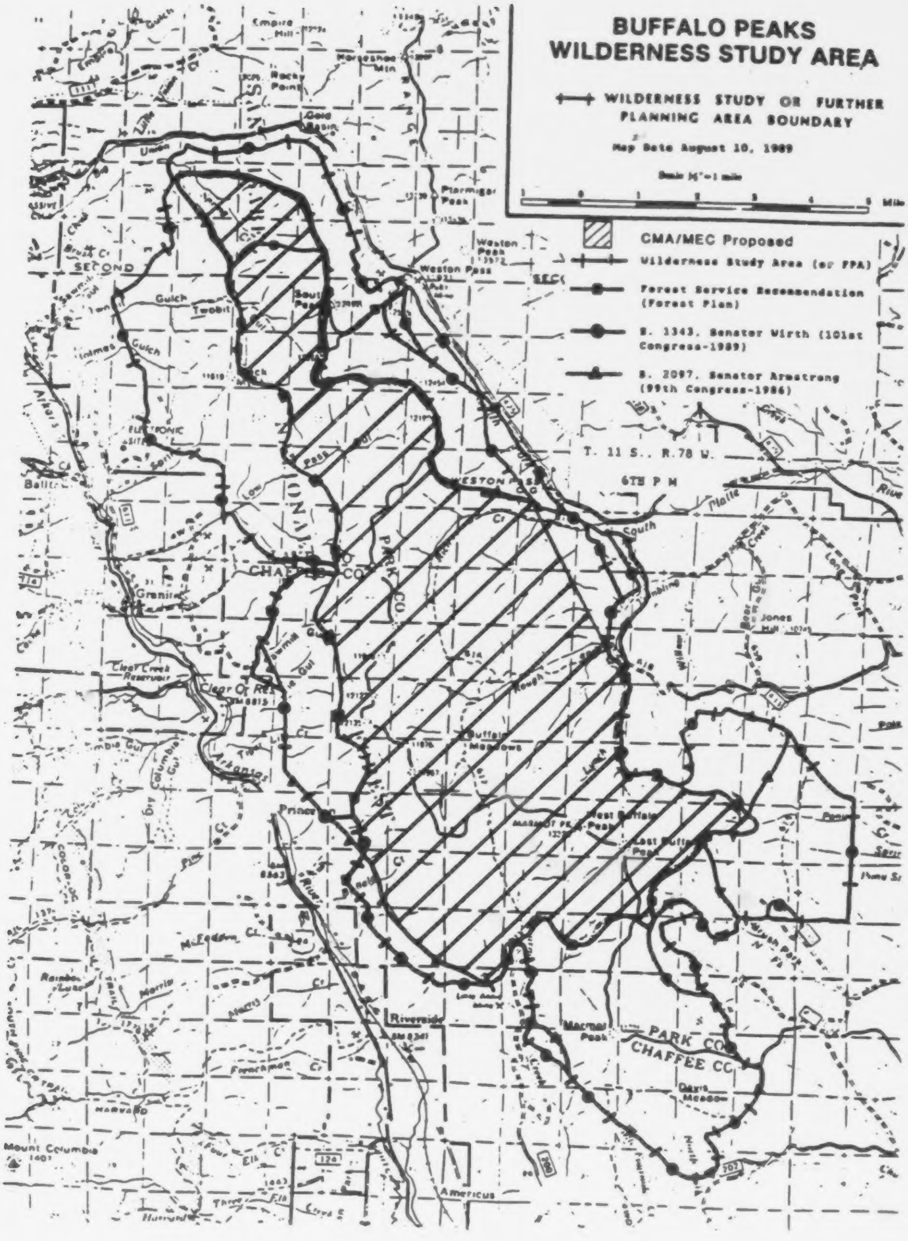
Mining Districts, Mines, and Claims Inside WSA

Weston Pass: numerous claims.
Buffalo Peaks: Parkdale Iron Mine - numerous claims.
Four Mile: parts of two claims.
Granite: parts of two claims.

Approximately 151 claims based on 1983 records.

Recent Company Activity

Drilling and exploration for uranium, base metals and precious metals by a number of operators.


BUFFALO PEAKS
WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5 Mile
▨ CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 11 S., R.78 W.
6TH P M
Empire
Horseshoe
Rocky Point
Gold Basin
Ptarmigan Peak
Weston Peak
Weston Pass
South Peak
Twobit
Gulch
Second
Electronic
Granite
CHAFFEE CO.
PARK CO.
Clear Creek Reservoir
Clear Cr Res.
Arkansas
Buffalo Meadows
West Buffalo Peak
East Buffalo Peak
South
Platte
River
Jones Hill
Princeton
Riverside
Marmot Peak
Davis Meadow
Mount Columbia
Harvard
Rainbow Lake
Americus
Three Elk
Four Mile

2. **FOSSIL RIDGE** - WSA

Size: 47,400 acres - Study Area
39,100 acres - Armstrong's **1986** Bill
55,560 acres - Wirth's **1989** Bill
Not recommended in USFS **1989** Plan

Gunnison National Forest (RARE II Crystal Creek - #02204 non-wilderness recommendation)

Gunnison County, Colorado; Third Congressional District

Location: About 8 miles northeast of Gunnison

Recommendations

A.) Forest Service -

Forest Service (R-2), Grand Mesa, Uncompahgre and Gunnison National Forest Land and Resource Management Plan, October, 1983.

Capable: Yes. (WARS, 25). Manageable boundary.

Available: No. High mineral potential, low recreation visitor day capacity, lack of control over activities on patented mining claims.

Need: No. 550 thousand acres of wilderness in Gunnison River Valley, no biotic species needing wilderness environment for survival. No unique land forms or ecosystems.

Total area recommended unsuitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

This area is high in mineral potential and is very favorable for several types of mineral deposits. NURE reports that strong, widespread uranium anomalies exist; the area is estimated to contain over 34 million lbs. of U_3O_8. The largest area with substantiated potential is the area surrounding So. Lottus Creek in the northern portion of the WSA and along Crystal Creek and the Mill Lake area, located in the heart of the WSA.

High potential for thorium and light rare-earths* occurs in the Summerville Creek area extending into Gandy Gulch. This rare-earth element-rich zone also appears east of Henry Mountain.

Large substantiated gold and silver potential exists throughout the Fossil Ridge WSA mainly in the southeastern portion along Gold Creek and the northeastern section near Cross Mountain to Cameron Mountain. Gold, silver, lead, zinc and copper production has come from five major and many smaller mines in those areas. Simiiar precious metals potential is in the Green Mountain and Union Park area, where evidence of past production exists.

* Rare-earth elements include thorium, cerium, lanthanum, hafnium and ytterbium.

# 2. FOSSIL RIDGE - Page 2

Resource potential also exists for copper, lead, zinc and molybdenum in the mining districts and in numerous smaller areas. A strong copper-zinc anomoly is in Boulder Gulch indicating possible extension into the Gold Brick mining district.

Other minerals occurring with moderate potential are cobalt, chromium, tungsten, beryllium, boron, tin, nickel and lead. A large rich resource of high-calcium limestone occurs in the middle portion of the WSA.

U.S. Geological Survey and U.S. Bureau of Mines mineral surveys show major parts of the area to have substantiated or probable mineral resource potential (USGS Professional Paper 1300; USBM Mineral Summary, Oct., 1989).

Recorded Production

Gold Brick District: Produced at least $6.1 million through 1970. Two active mines in 1980 were the Carter (Comanche) and the Chloride. The Gold Links mine is being developed. District production of approximately 80,000 oz. Au through 1979. Other mines: Raymond, Cortland and Sacramento.

Tincup District: Total production through 1949 was approximately $3.7 million. Approximately 16,400 oz. Au produced through 1959. Major mines: Fairview, Silent Friend, Maid of Athens, Silver Islet, Gold Cup, Silver Cup, Tincup, Robert E. Lee, Drew, El Capitan, W. Gold Hill. The W. Gold Hill subdistrict produced greater than 70 tons of $\geq$11% WO_3 during WWI and WWII, and >1000 tons of graphite during WWII.

Chronicle Mine: Gold-lead-silver, $38,000 1889-1892.

Little Anna Mine: 25 tons of ore averaging 188 oz/ton silver, 1.5 oz/ton gold, and 22 percent lead.

Wahl Mine: Three tons of ore assaying 2.67 oz/ton gold 1901-1935.

Union Park placers: $40,000 gold.

Mining Districts, Mines, and Claims

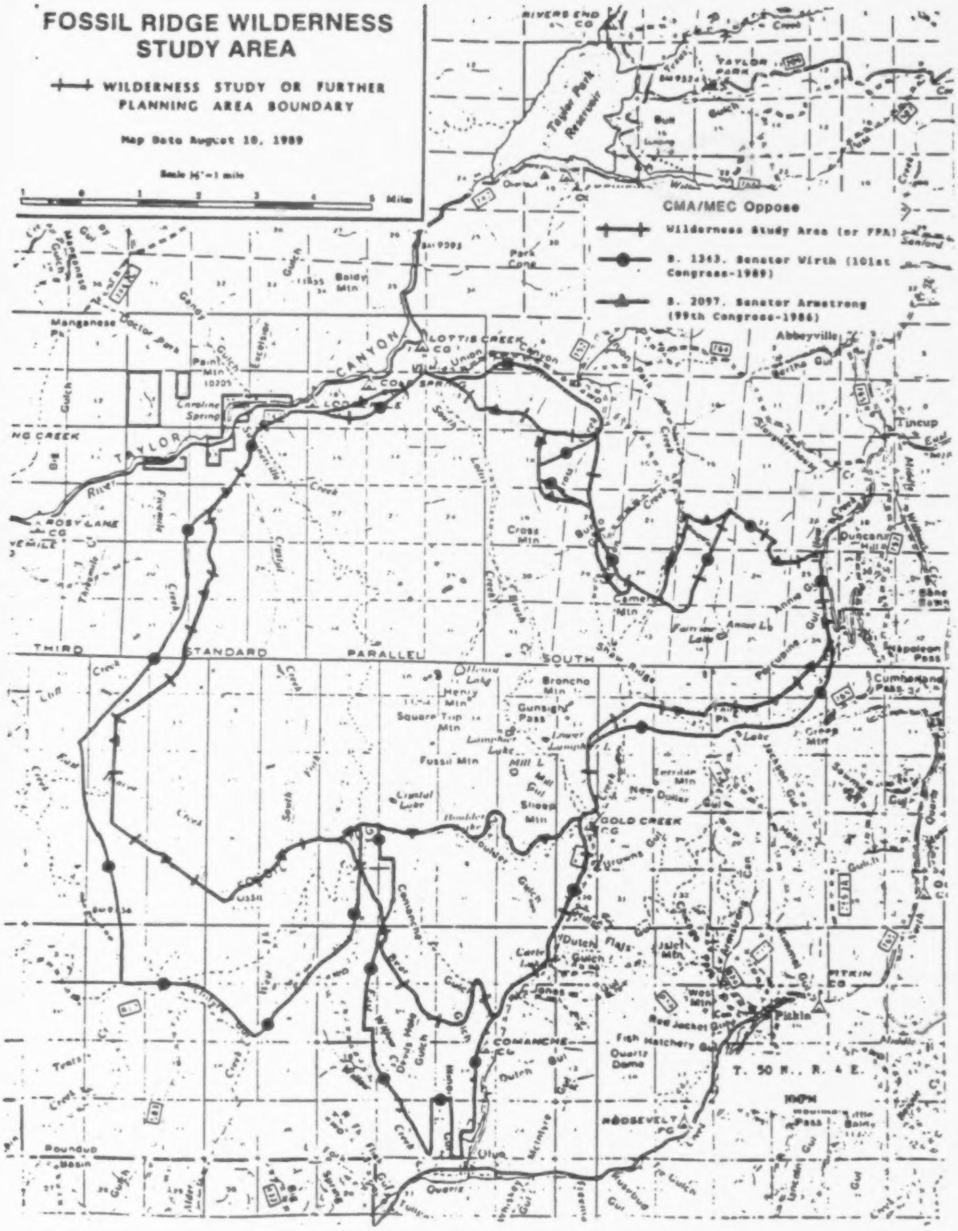
Mining districts: Gold Brick, Cross Mountain, and Tincup districts; Quartz Creek district is adjacent.

Mines: Several active, numerous inactive or abandoned.

Claims: Many active claims on BLM records; many tracts of patented mining claims exist within the wilderness study area.

Recent Company Activity

Exploration for molybdenum, gold and uranium has been active and is expected to continue. Several companies, Homestake, AMAX Exploration and Molycorp, have been actively working within the area in recent years; exploration for molybdenum by core drilling was taking place adjacent to area in 1982. Also, much interest was being shown in high-calcium limestone in the southern portion of the deposit in 1982. Exploration is underway in 1989 for gold-silver-lead-zinc deposits in the Gold Brick district.


FOSSIL RIDGE WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½"=1 mile
1
0
1
2
3
4
5
Miles
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
RIVERS END CG
TAYLOR PARK
Taylor Park Reservoir
Baldy Mtn
Park Cone
Manganese Pk
Doctor Park
Painter Mtn
Caroline Spring
CANYON
LOTTIS CREEK CG
Union
Canyon
Abbeyville
Tincup
TAYLOR
River
ROSY LANE CG
Cross Mtn
Duncan Hill
THIRD
STANDARD
PARALLEL
SOUTH
Napoleon Pass
Cumberland Pass
Henry Mtn
Square Top Mtn
Broncho Mtn
Gunsight Pass
Fossil Mtn
Mill L
Sheep Mtn
GOLD CREEK CG
New Dollar Gul
Dutch Flats
Jalet Mtn
PITKIN CG
Pitkin
Red Jacket Gul
Fish Hatchery Gul
Quartz Dome
COMANCHE CG
ROOSEVELT PG
T. 50 N., R. 4 E.
Waunita Pass
Ohio
Poundup Basin
Quartz

3. **GREENHORN MOUNTAIN** - WSA

Size:
22,300 acres - Study Area
22,000 acres - Armstrong's 1986 Bill
24,130 acres - Wirth's 1989 Bill
22,300 acres - recommended in USFS 1989 Plan

San Isabel National Forest (RARE II, A2-270, wilderness recommendation)

Huerfano and Custer Counties, Colorado; Fourth Congressional District

Location: 2 miles southwest of Rye; 20 miles southwest of Pueblo

Recommendations

A.) Forest Service -

Forest Service (R-2), Wilderness Study Area Report, August, 1982.

Capable: Yes. (WARS, 19). Manageable boundary.

Available: Yes. Limited feasibility for management of wildlife winter range habitat, a relatively small amount of capable forest land on slopes less than 45 percent, and limited opportunities to increase water yield.

Need: Yes. Existing and potential habitat for Greenback Cutthroat Trout (threatened). Potential habitat for Peregrine Falcon (endangered).

22,300 acres recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - 15,260 acres (Est.); propose boundary change.

Mineral Potential

Tungsten mineralization is likely to be present in the WSA due to the evidence of tungsten, plus barium, lanthanum and yttrbium, draining into South Apache Creek. Uranium and thorium occurrences have been discovered south of the WSA and evidence indicates similar occurrences are likely to extend northward into the WSA. Uranium anomalies have also been noted in streams on the northeast and west side of the area.

The geology of the southern portion of the WSA is favorable for oil and gas potential; oil and gas lease applications covered approximately 100 acres in the southern portion. Old drill holes in the area reported no production, however. Probable tungsten mineral resource potential is described in U.S. Geological Survey 1300.

Recorded Production

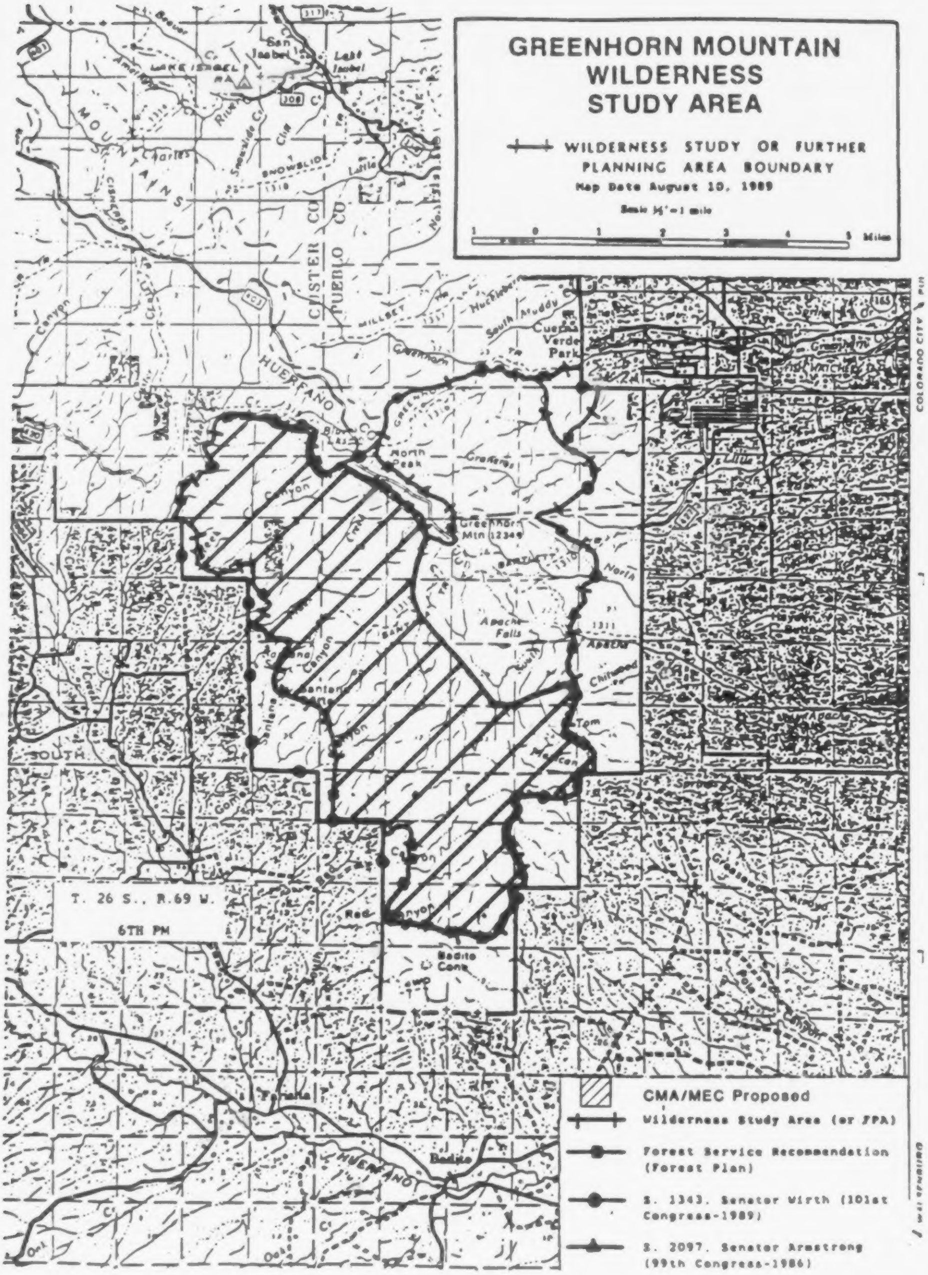
None.

Mining Districts, Mines, and Claims

In September 1982, about 100 acres within the study area were covered by oil and gas lease applications.

Recent Company Activity

None.


GREENHORN MOUNTAIN
WILDERNESS
STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
T. 26 S., R.69 W.
6TH PM
CUSTER CO
PUEBLO CO
HUERFANO
COLORADO CITY
Greenhorn Mtn 12349
North Peak
Apache Falls
Cuerno Verde Park
San Isabel
Lake Isabel
WET MOUNTAINS
Badito Cone
Farisita
Badito
HUERFANO

4. SOUTH SAN JUAN - WSA

Size: 32,800 acres - Study Area (North Montezuna Peak 13,000 acres)
(South V-Rock Trail 19,800 acres)
15,500 acres - Armstrong's 1986 Bill
32,800 acres - Wirth's 1989 Bill
Not recommended in USFS 1989 Plan

San Juan National Forest (RARE II, D2-284 & E2-284, non-wilderness recommendation)

Rio Grande, Archuleta, Mineral and Conejos Counties, Colorado;
Third Congressional District

Location: 20 miles east of Pagosa Springs

Recommendations

A.) Forest Service -

Forest Service (R-2), San Juan National Forest Land and Resource Management Plan, September, 1983.

Capable: Moderate capability (WARS-Montezuma Peak 20, V-Rock Trail 17).

Available: No. Mineral potential high, 23,580 acres suitable for timber management, wildlife habitat improvement projects, motorized, recreation.

Need: No. Includes landforms and ecosystems found in Weminuche and South San Juan Wilderness.

Total area recommended unsuitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

The northern portion of the WSA, Montezuma Peak (known as Quartz Creek), has seen active exploration on and off since 1882. The area is on the southern end of a mineral belt where several mining districts produced lead-zinc, silver and gold. Mineralization in these districts is similar to that in the WSA, which has excellent potential for further gold, lead-zinc and silver resources. Estimated reserves of 900 tons of low-grade silver base metals are at the Lady Bug Mine.

Also, a high potential exists for a large, buried porphry deposit of molybdenum and/or copper. Drilling has occurred in this area as recently as 1982.

The V-Rock, southern portion of the WSA has moderate potential for oil and gas resources. Since the study area is located approximately 50 miles northeast of the major San Juan Basin oil fields, and pools have been located as close as three miles to the boundary, there is geologic reason to believe similar pools could exist.

A coal deposit exists in the northwestern portion of the WSA, but further exploration is necessary to determine its extent.

Probable mineral resource potential is described for both areas in U.S. Geological Survey Professional Paper 1300 and USBM Mineral Summary, Oct., 1989.

# 4. SOUTH SAN JUAN - Page 2

Recorded Production

None.

Mining Districts, Mines, and Claims

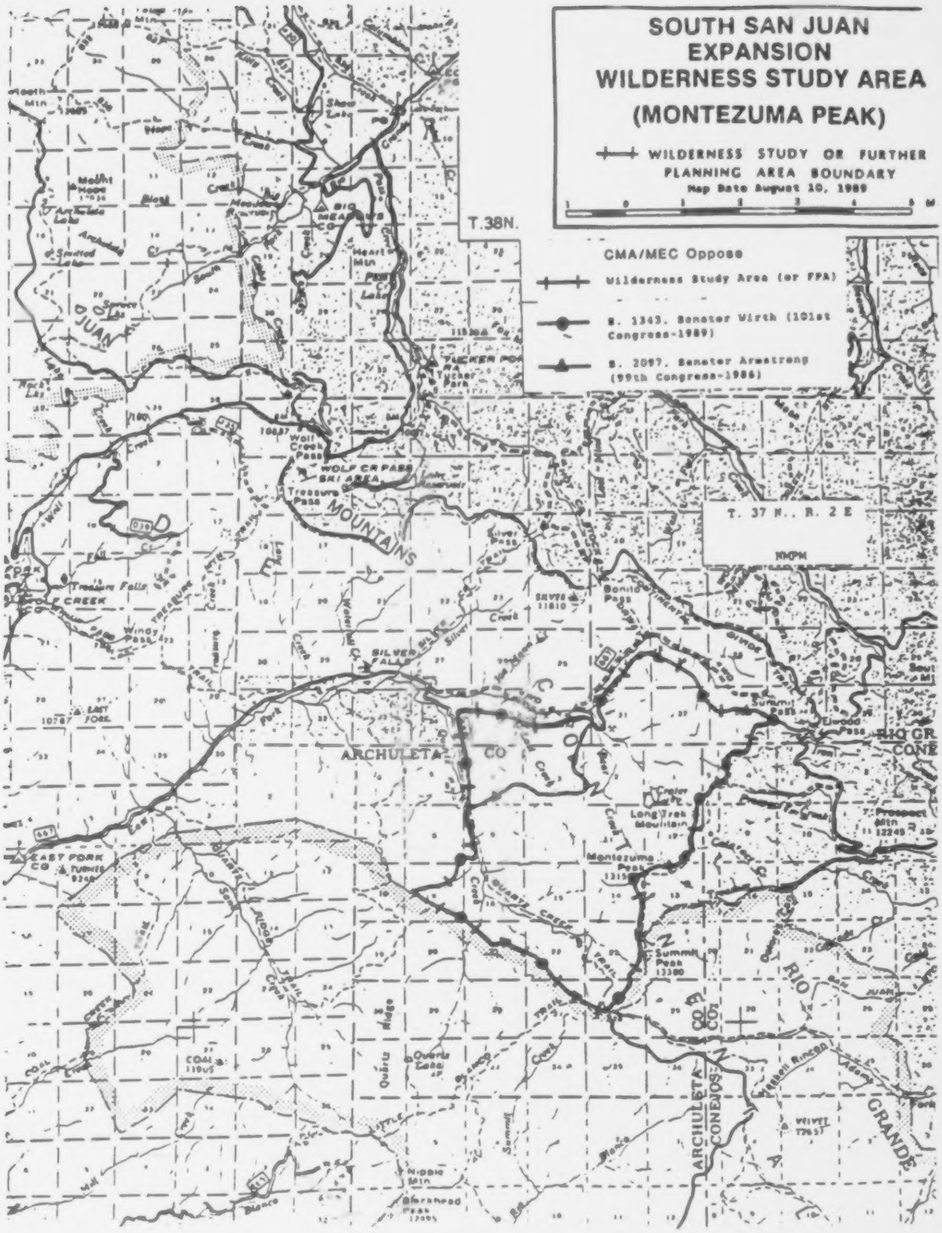
Crater and Elwood mining districts located in northern area. There is one mine with 1,100 feet of workings, several small adits and numerous prospect pits.

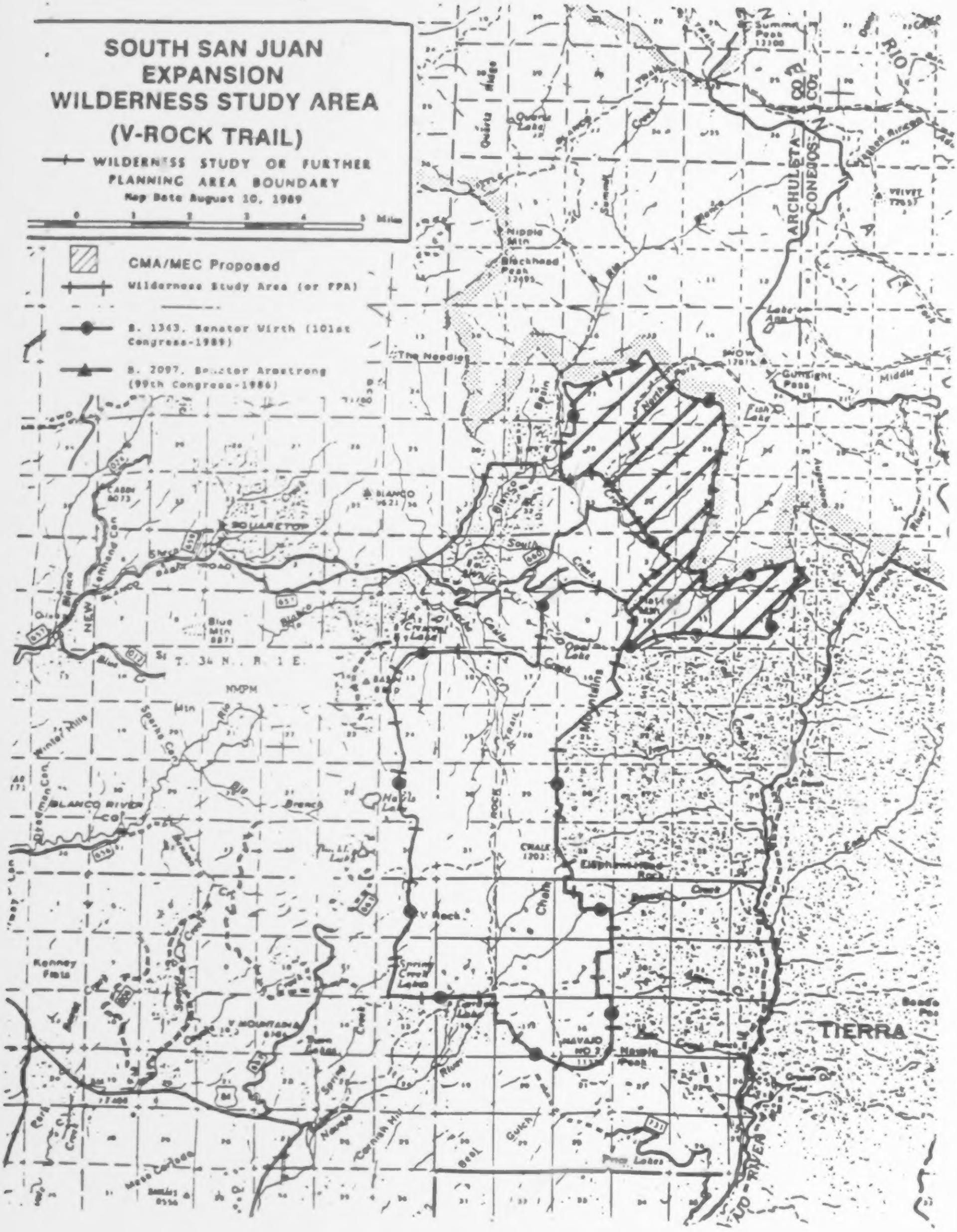
Two patented mining claims border this area; numerous unpatented mining claims have been staked inside the area.

Several unpatented claims are located in the V-Rock portion, also.

Recent Company Activity

Extensive claim staking by AMAX Exploration, Inc. and by Noranda Exploration, Inc., and core drilling by AMAX during the summers of 1979 through 1983 in the Montezuma portion. AMAX re-staked claims in late 1988, and is re-evaluating the mineral potential in the area for gold and copper potential. No known company activity has occurred in the southern section.


SOUTH SAN JUAN
EXPANSION
WILDERNESS STUDY AREA
(MONTEZUMA PEAK)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
1
0
1
2
3
4
5 M
T.38N.
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 37 N., R. 2 E
NMPM
Snow Lake
Big Meadows
Wolf Creek Pass
WOLF CR PASS SKI AREA
Treasure Pass
MOUNTAINS
Treasure Falls
Windy Pass
Silver Pass
Bonito Pass
SILVER FALLS
EAST FORK
ARCHULETA CO
Summit Pass
Elwood Pass
Long Trek Mountain
Montezuma Peak 13150
Prospect Mtn
Summit Peak 13300
RIO GRANDE
Quartz Ridge
Quartz Lake
Blanco
Nipple Mtn
Blackhead Peak
ARCHULETA
CONEJOS
CO
RIO GRANDE
Tucker Ponds


SOUTH SAN JUAN EXPANSION WILDERNESS STUDY AREA
(V-ROCK TRAIL)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
0 1 2 3 4 5 Miles
CMA/MEC Proposed
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
ARCHULETA
CONEJOS
RIO
Summit Peak
Nipple Mtn
Blackhead Peak
The Needles
BLANCO
SQUARETOP
Blue Mtn
T. 34 N., R. 1 E.
NMPM
BLANCO RIVER
V Rock
V-ROCK
Elephanthead Rock
NAVAJO
Nipple Peak
TIERRA
Gunsight Pass
Fish Lake
Crystal Lake
Opal Lake
Kenney Flats
V MOUNTAIN
NAVAJO RIVER
Bear Gulch

5. PIEDRA - WSA

Size:
41,500 acres - Study Area
41,500 acres - Armstrong's 1986 Bill
60,000 acres - Wirth's 1989 Bill (proposed WSA)
41,500 acres - recommended in USFS 1989 Plan

San Juan National Forest (RARE II #A2292, wilderness recommendation)

Hinsdale and Archuleta Counties, Colorado; Third Congressional District

Location: 30 miles west of Pagosa Springs

Recommendations

A.) Forest Service -

Forest Service (R-2), San Juan National Forest Land and Resource Management Plan, September, 1983.

Capable: Yes. (WARS, 24). Manageable boundary.

Available: Yes. Opportunities to harvest timber outside Study Area to meet foreseeable local industry needs; low mineral potential.

Need: Includes a significantly higher representation of Douglas-fur, Aspen and Ponderosa Pine ecosystems than in nearby wildernesses (lower general elevation).

41,500 acres recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - 41,500 acres.

Mineral Potential

The area was listed as favorable by NURE geologists, containing an estimated uranium endowment of approximately 1,700,000 pounds of U_3O_8. These same vein environments are anomalous in silver, zinc and lead in the NURE data, and can be considered favorable for these metals, also. Second Box Canyon exhibits a geochemical signature analogous to other areas that contain placer deposits of gold and other heavy minerals.

A recent survey by the U.S. Geological Survey, including geophysical and geochemical studies of the WSA, indicate little promise for the occurrence of energy or mineral reserves (U.S. Geological Survey Professional Paper 1300).

The potential for significant oil and gas resources appears low even though similar rock types found in other areas have produced oil and gas. Lease applications were pending on two square miles in the WSA in January, 1983, however.

Gypsum mined at the Medicine Bow Mine adjacent to the WSA is for medicinal purposes, but the gypsum trend into the WSA does not appear to be in recoverable quantities.

Recorded Production

None.

Mining Districts, Mines, and Claims

No mining districts in or near the Piedra Wilderness Study Area.

No known mines or prospects inside study area.

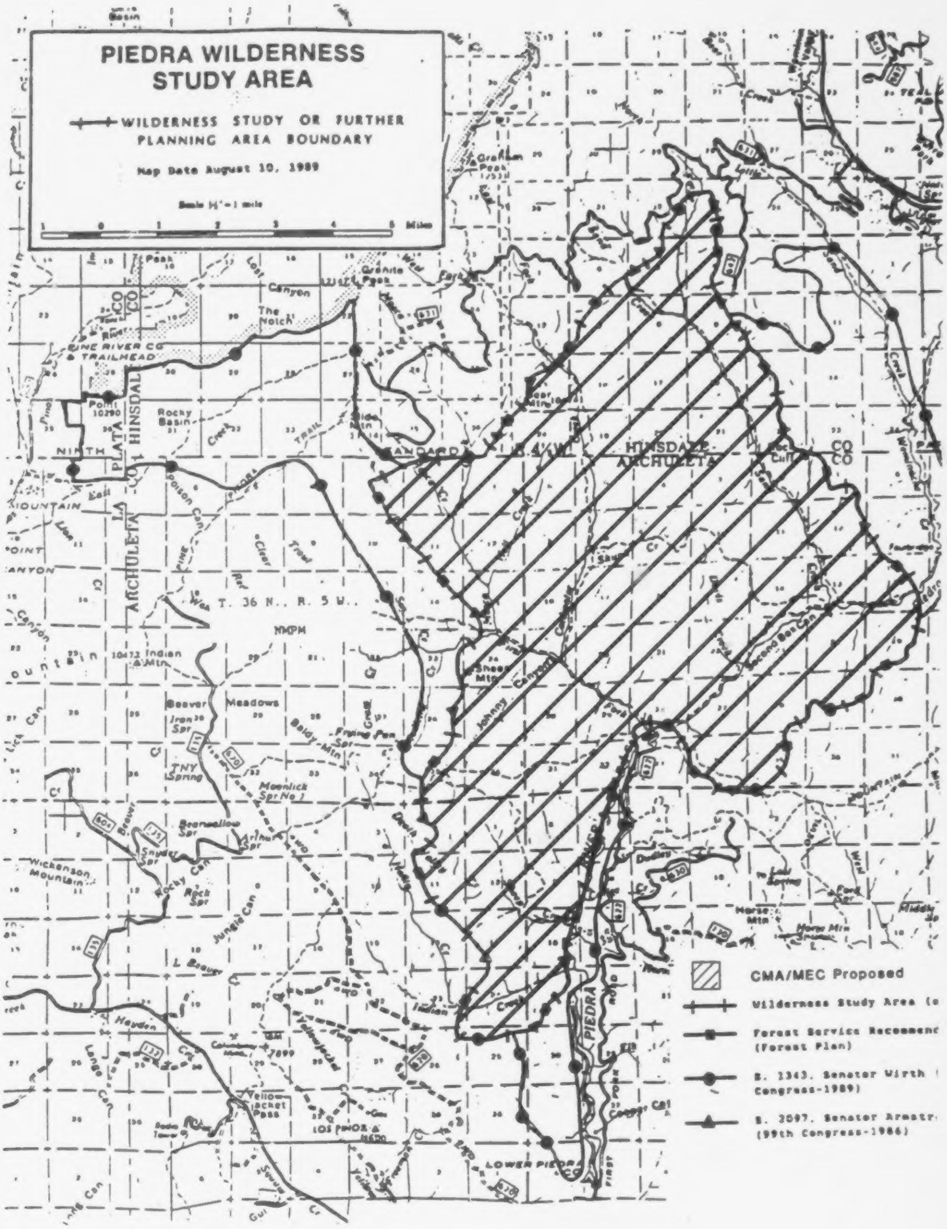
One patented mining claim adjoins the study area on the west side; here a small amount of gypsum was mined for medicinal purposes.

Several unpatented claims lie inside the study area.

Several oil and gas leases are close to the study area on the south side.

Recent Company Activity

No recent company activity is known for the study area.


PIEDRA WILDERNESS
STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1¼" = 1 mile
1 0 1 2 3 4 5 Miles
CMA/MEC Proposed
Wilderness Study Area (o
Forest Service Recommen
(Forest Plan)
S. 1343. Senator Wirth (
Congress-1989)
S. 2097. Senator Armstr
(99th Congress-1986)
HINSDALE
ARCHULETA
CO
CO
LA PLATA CO
HINSDALE
ARCHULETA
T. 36 N., R. 5 W.
NMPM
PIEDRA
LOWER PIEDRA
Granite Peak
The Notch
Rocky Basin
Beaver Meadows
Wickenson Mountain
Yellow Jacket Pass
Johnny Canyon
Sheep Mtn
Horse Mtn

# 6. **SANGRE DE CRISTO** - WSA

Size: 222,742 acres - Study Area (includes 4,910 acres of BLM WSAs including Black Canyon, South Piney Creek, Papa Keal and Zapata Creek)
227,000 acres - Armstrong's **1986** Bill
252,080 acres - Wirth's **1989** Bill
222,742 acres - recommended in USFS **1989** Plan

San Isabel and Rio Grande National Forest (RARE II, A2-266, wilderness recommendation)

Saguache, Custer, Fremont, Huerfano and Alamosa Counties, Colorado;
Third Congressional District

Location: 20 miles northeast of Alamosa

Recommendations

A.) Forest Service -

Forest Service (R-2), Wilderness Study Report, August, 1982.

Capable: Yes. (WARS, 24). Boundary modifications to remove unmanageable areas.

Available: Yes. With boundary modification to meet needs for capable forest land, potential demands for minerals, access to patented mining claims and provide land and need to increase water yield.

Need: Yes. There is a lack of areas in the southern portion of the Forest.

191,700 acres are recommended as suitable for inclusion in the N.W.P.S.

B.) CMA & MEC - 130,900 acres (Est.); propose boundary change.

Mineral Potential

The 70-mile-long area encompasses the entire mountain range which holds identified mineral resources of gold, silver, tungsten and copper. While there is high potential for these commodities, strong mineralization is also evident for molybdenum, lead and iron. Anomalies are also evident in cobalt, barium, zinc, uranium and rare-earths. In the past, both limited gold and uranium production has occurred from scattered workings.

Three areas host the majority of the known mineralization in the Sangre de Cristos. A northwest fault follows the western boundary of the WSA where gold occurs throughout the zone. Copper, iron, lead and silver are found in pockets. The old Orient Mine, just outside the boundary, produced iron. There are indications of gold mineralization in various places throughout the area's hot springs, plus geothermal potential in the Valley View Hot Springs area.

A large area known as the Rio Alto Stock and Cloverdale Basis, located on a fault on the northeastern side of the range, has evidences of molybdenum, copper, tungsten and gold. Recent exploration activity has occurred in this area.

# 6. SANGRE DE CRISTO - Page 2

The third highly distinctive mineralized area is near Blanca Peak on the southern end of the WSA where high potential exists for gold, silver and tungsten resources. S. 1343 includes the richest portion of this tungsten-silver-gold resource in the Sangre de Cristos where development work has occurred.

NURE reports uranium, barium, cobalt, zinc and rare-earths in the Jones Creek-Humboldt Peak area. Similar anomalies exist in the Marble Mountain, Horn Peak and Rio Alto areas. Uranium occurrences are strongest here; 7.4 million lbs. of U_3O_8 were estimated at Horn Peak in recent years.

U.S. Geological Survey Professional Paper 1300 and U.S. Bureau of Mines MLA 65-83 report that much of the area shows probable mineral resource potential.

Recorded Production

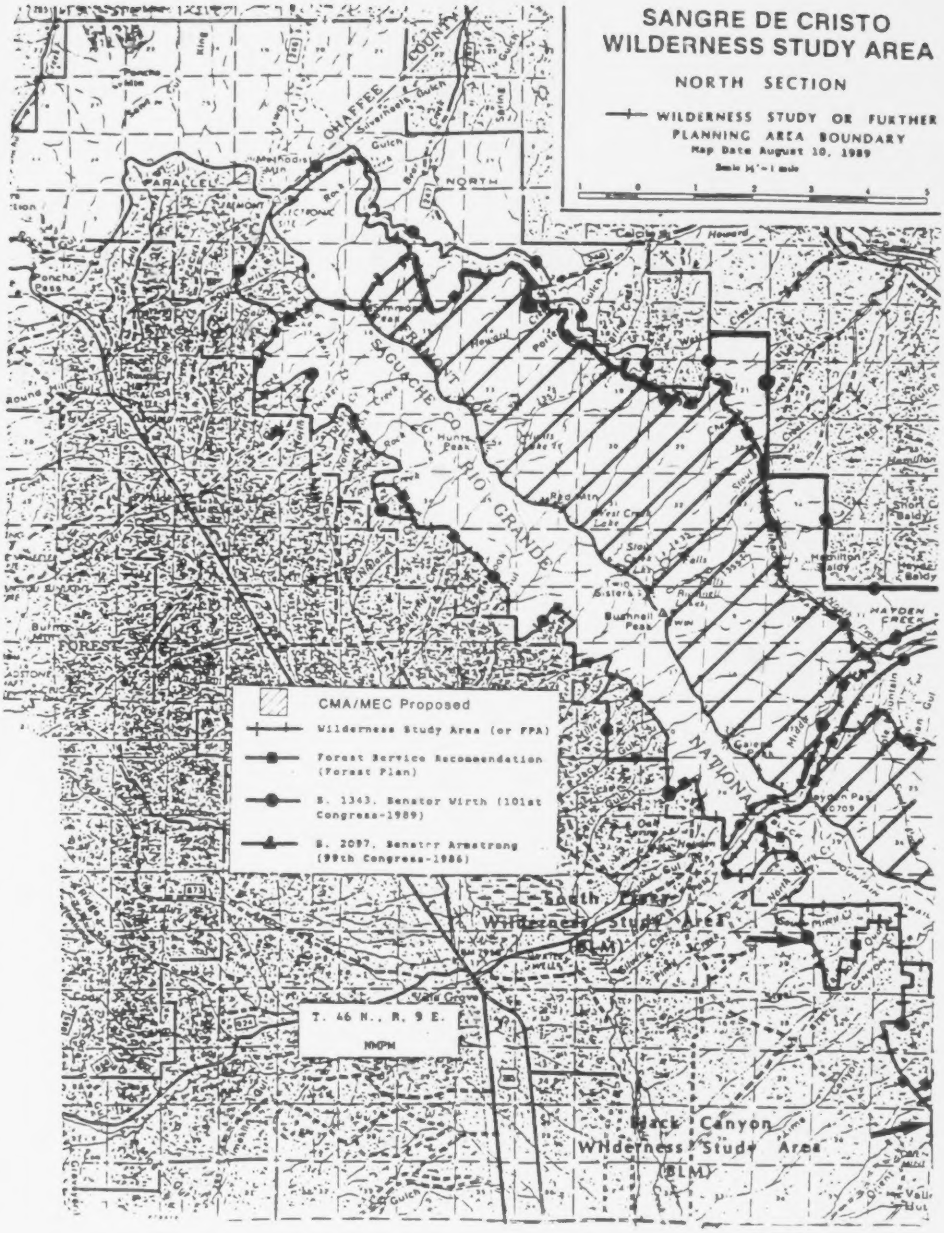
Small quantities of uranium, gold, copper, silver. Most production is unrecorded.

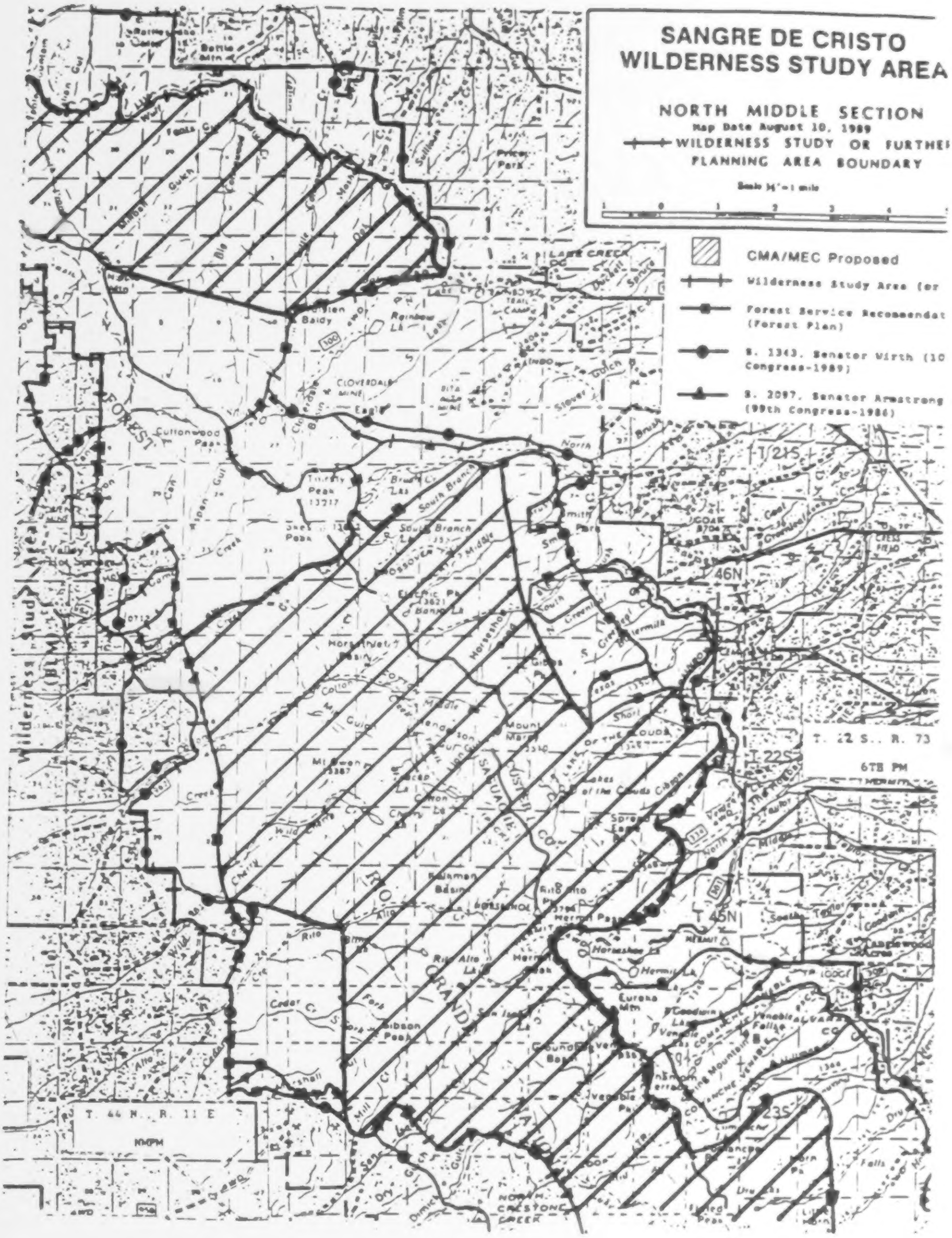
Mining Districts, Mines, and Claims

All or part of 22 mining districts are in the WSA. Many inactive mines and prospects exist. Approximately 294 patented mining claims are in the WSA, according to 1983 records.

Recent Company Activity

Exploration is currently underway (1989) by Battle Mountain Gold Company and other companies. In the past several years, the area has been drilled for uranium by Homestake and Pioneer Nuclear. Exploration for copper by Inspiration-Consolidated Copper Co. Exploration for molybdenum by Molycorp. Uranium exploration by Exxon and others. Jaurez Gold has been active in the area.


SANGRE DE CRISTO
WILDERNESS STUDY AREA
NORTH SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1¼" = 1 mile
1 0 1 2 3 4 5
▨ CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
CHAFFEE COUNTY
Methodist Mtn
PARALLEL
NORTH
Poncha Pass
Howard
SAGUACHE CO
FREMONT
RIO GRANDE
Hunts Peak
Red Mtn
Twin Sisters
Bushnell Peak
Hamilton Baldy
Short C Baldy
Hayden Baldy
HAYDEN CREEK
Hamilton
FOREST
NATIONAL
Hayden Pass
South Fork Wilderness Study Area (BLM)
T. 46 N., R. 9 E.
NMPM
Villa Grove
Black Canyon Wilderness Study Area (BLM)


SANGRE DE CRISTO
WILDERNESS STUDY AREA
NORTH MIDDLE SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHE
PLANNING AREA BOUNDARY
Scale ½" = 1 mile
1
0
1
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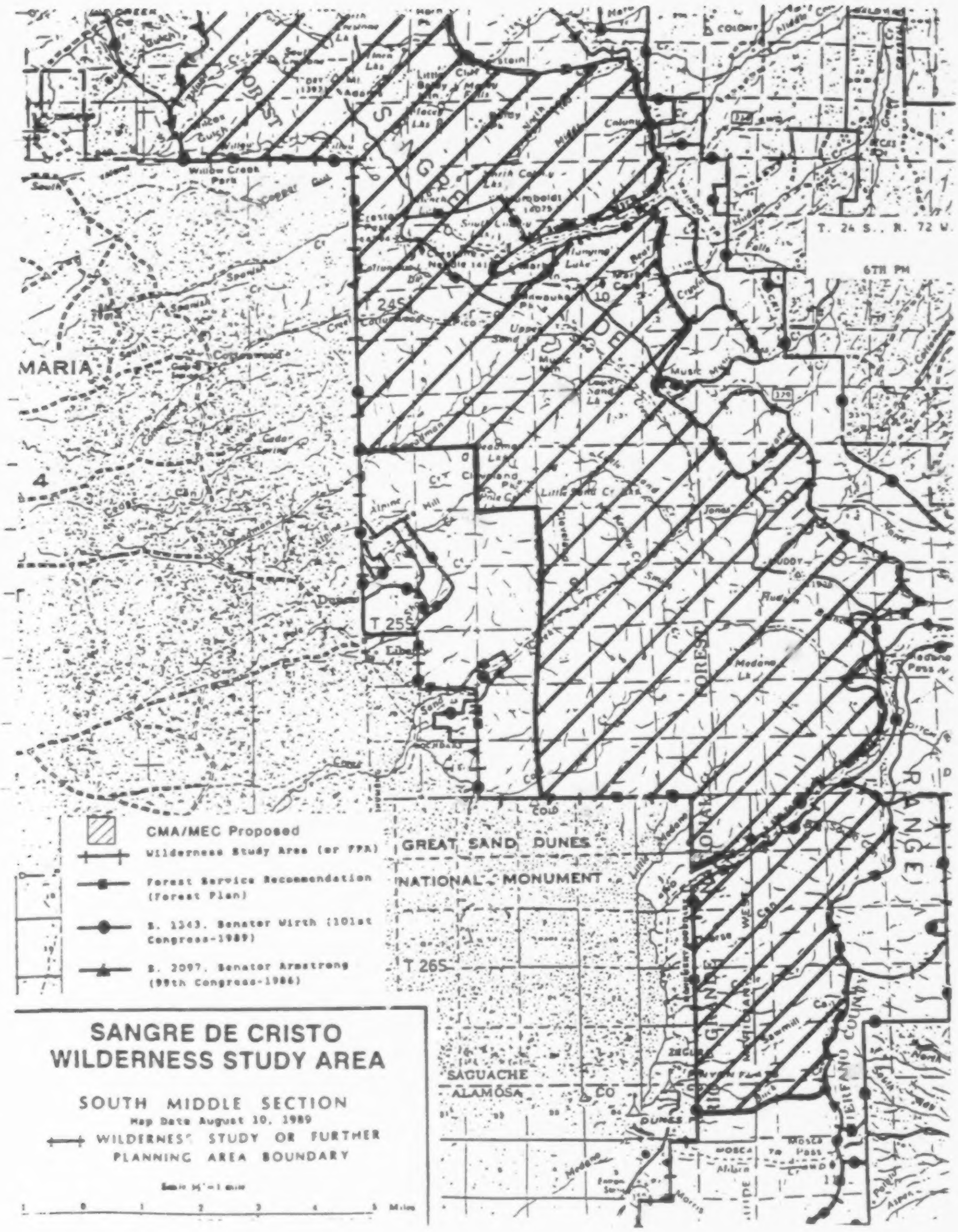
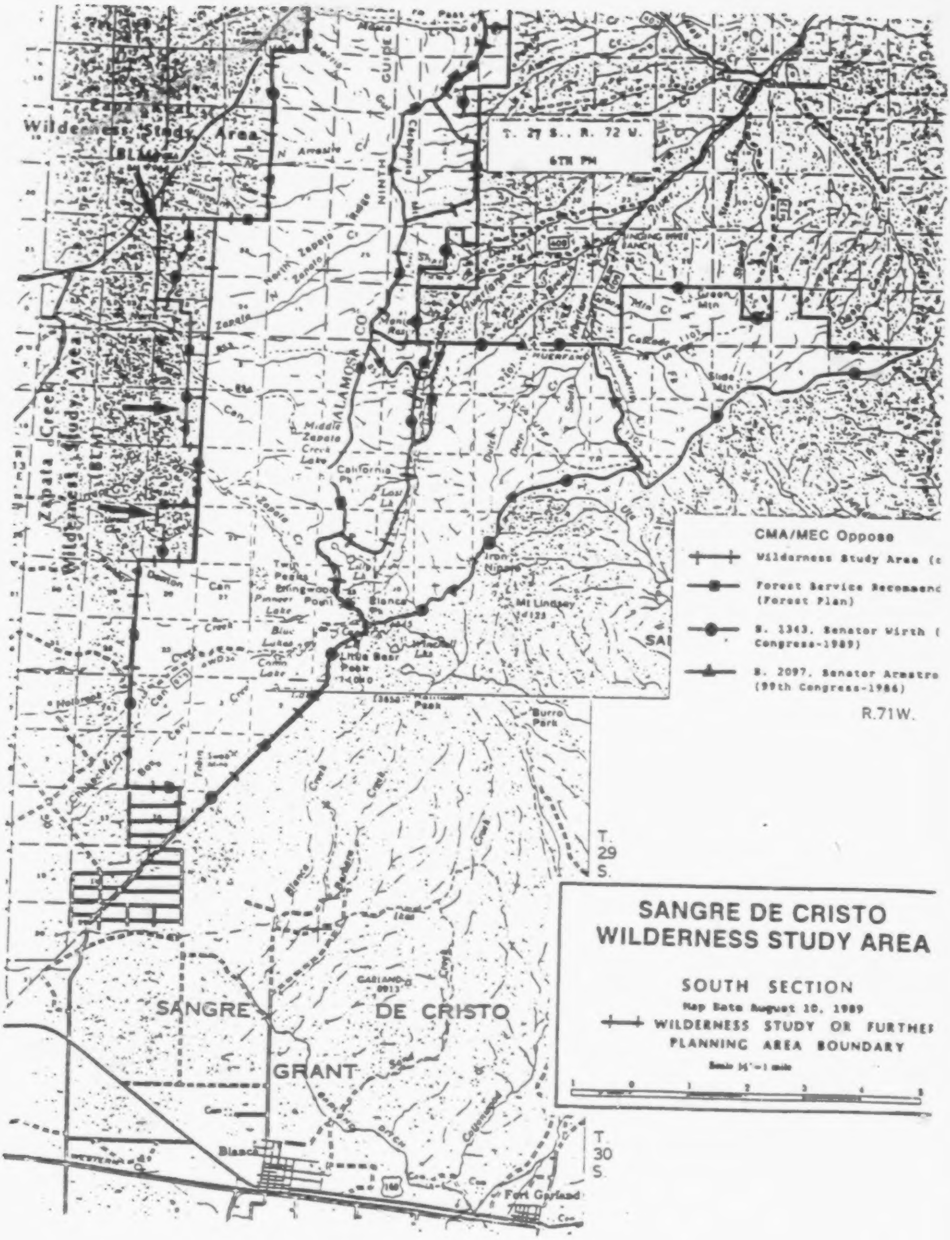
CMA/MEC Proposed
Wilderness Study Area (or
Forest Service Recommendat
(Forest Plan)
S. 1343, Senator Wirth (10
Congress-1989)
S. 2097, Senator Armstrong
(99th Congress-1986)
Bottle Mtn
Price Park
Big Gulch
Bushnell
Lake Creek
Rainbow Lk
Cloverdale Mine
Cottonwood Peak
Thirsty Peak 13217
Wilderness Study Area (BLM)
FOREST
T 21 S
46N
Electric Pk 13621
Horsethief Basin
Horseshoe
Mount Marcy
Mt Owen 13387
Lakes of the Clouds
Spread Eagle Pk
T 22 S
T. 22 S., R. 73
6TH PM
Cherry
Rito Alto Lk
Hermit Pass
Hermit Lk
T 45N
Horseshoe Lk
Eureka Mtn
Goodwin Lks
Venable Falls
Comanche
Gibson Peak
Cedar Cr
Venable Pk
T 23 S
Cotton
T. 44 N., R. 11 E
NMPM
NORTH CRESTONE CREEK
SAGUACHE CO
CUSTER CO
RIO GRANDE NATIONAL
Dry


CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH MIDDLE SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
1
0
1
2
3
4
5 Miles
GREAT SAND DUNES
NATIONAL MONUMENT
T. 24 S., R. 72 W.
6TH PM
T 24S
T 25S
T 26S
MARIA
SAGUACHE
ALAMOSA
HUERFANO COUNTY
Humboldt
Willow Creek Park
Cottonwood
Music Mtn
Medano Pass
Mosca Pass
Zapata
Dunes
COLONY
SANGRE DE CRISTO
FOREST
RANGE


Wilderness Study Area
BLM
Zapata Creek
Wilderness Study Area
(BLM)
T. 27 S., R. 72 W.
6TH PM
N Arrastre Cr
North Zapata Cr
Zapata Cr
ALAMOSA CO.
HUERFANO
Middle Zapata Creek Lake
California Pk
Twin Peaks
Ellingwood Point
Blanca
Little Bear Peak
Iron Nipple
Mt Lindsey
Como Lake
Blue Lakes
Holbrook
Huerfano River
Slide Mtn
Green Mtn
Burro Park
SANGRE DE CRISTO GRANT
Blanca
Fort Garland
160
CMA/MEC Oppose
Wilderness Study Area (c
Forest Service Recommenc
(Forest Plan)
S. 1343, Senator Wirth (
Congress-1989)
S. 2097, Senator Armstro
(99th Congress-1986)
R.71W.
T. 29 S.
T. 30 S.
SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH SECTION
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHE
PLANNING AREA BOUNDARY
Scale ½" = 1 mile
1 0 1 2 3 4 5

7. SPANISH PEAKS - WSA

Size: 19,570 acres - Study Area
19,570 acres - Armstrong's 1986 Bill (proposed NRA)
19,570 acres - Wirth's 1989 Bill
Not recommended in USFS 1989 Plan

San Isabel National Forest (RARE II, A2-271, wilderness recommendation)

Huerfano and Las Animas Counties, Colorado;
Third and Fourth Congressional Districts

Location: 8 miles south of LaVeta

Recommendations

A.) Forest Service -

Forest Service, Wilderness Study Report, August, 1982.

Capable: No. (WARS, 16). Patented tracts and mining claims, access roads and external impacts tend to severely affect the ability to manage the area as an enduring wilderness resource.

Available: No. Moderate to high potential for both locatable and leasable minerals. Vegetative management needed to help reduce insect and disease occurrence on the area. Need for motorized recreation. Need for improvement and maintenance of wildlife winter range and habitat diversity.

Need: No. Could be better met in the Sangre de Cristo and Greenhorn Mountain WSAs.

Total area recommended unsuitable for inclusion in the N.W.P.S.

*Note: It is suggested that the name be changed to Wahatoya, as there is already a Spanish Peaks Wilderness in Montana.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

The Bulls Eye Mine sits on the north side of West Spanish Peak in the heart of the WSA. Gold, silver, lead, zinc and copper, once produced from the mine, still occur around the Peak and in streams draining from it. Two other mines and workings exist on the east and southeastern side of West Spanish Peak. While government geologists claim gold-silver mineralization is low grade (USGS Professional Paper 1300), placer exploration activities are still occurring in the area.

NURE reports lead and zinc potential near Cottonwood Canyon and occurrences of uranium, copper and lead near the northwestern corner of the WSA. The area is considered favorable for uranium as an extension of the Sangre de Cristo formation.

The area is covered with oil and gas lease applications, although the Bureau of Mines and USGS (Professional Paper 1300) claim there is little evidence for such deposits to exist.

7. SPANISH PEAKS - Page 2

Recorded Production

168 oz. gold, 1,176 oz. silver, 92 lb. copper, and 1,067 lb. lead before 1908; a few ounces of placer gold 1932-1934; 4 tons lead-silver ore produced 1934-1935.

Mining Districts, Mines, and Claims

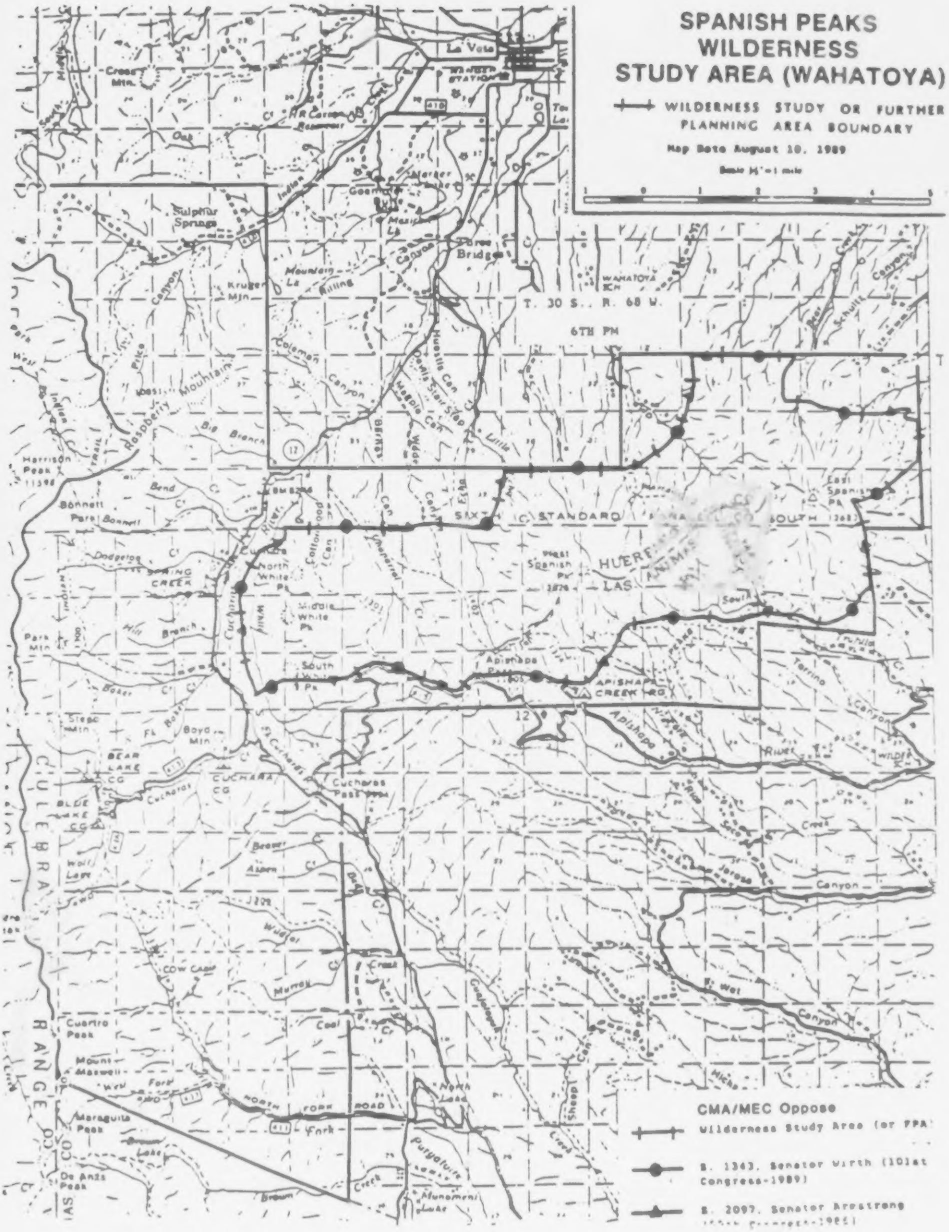
Mining district: Bulls Eye or Laveta (inactive).

Mines: None active, several inactive or abandoned.

Claims: No active claims on BLM records; four tracts of patented mining claims exist within mining district in the roadless area.

Recent Company Activity

Oil and gas lease applications cover most of roadless area, oil and gas drilling within two miles of roadless area in 1982, portions of Trinidad Known Recoverable Coal Resource Area (TKCRA) adjacent to roadless area. Placer interests.


SPANISH PEAKS
WILDERNESS
STUDY AREA (WAHATOYA)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5
CMA/MEC Oppose
Wilderness Study Area (or FPA
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
La Veta
Cross Mtn.
Sulphur Springs
Kruger Mtn.
Goemmer Butte
Three Bridges
WAHATOYA RCH
T. 30 S., R. 68 W.
6TH PM
Raspberry Mountain
Harrison Peak 11598
Bonnett Park
SPRING CREEK
SIXTH STANDARD PARALLEL SOUTH
West Spanish Pk
East Spanish Pk
HUERFANO
LAS ANIMAS
North White Pk
Middle White Pk
South White Pk
Apishapa Pass
APISHAPA CREEK RD.
Park Mtn
Siege Mtn
Boyd Mtn
BEAR LAKE CG
BLUE LAKE CG
CUCHARA CG
Cuchara Pass
Wolf Lake
COW CREEK
Cuartro Peak
Mount Maxwell
Maraquita Peak
De Anza Peak
NORTH FORK ROAD
North Lake
Monument Lake
CULEBRA RANGE
Apishapa River
Canyon

# 8. **VASQUEZ PEAK** - WSA

Size: 12,800 acres - Study Area
13,900 acres - Armstrong's 1986 Bill
24,160 acres - Wirth's 1989 Bill
(combines St. Louis & Vasquez Peaks,
see #18 "St. Louis" for statistics)
12,800 acres - recommended in USFS 1989 Plan

Arapahoe National Forest (RARE II, A2-361, wilderness recommendation)

Grand County, Colorado; Third Congressional District

Location: 6 miles south of Winter Park

Recommendations

A.) Forest Service -

Forest Service (R-2), Routt National Forest Land and Resource Managment Plan, October, 1983.

Capable: Yes. (WARS, 21). Manageable boundary.

Available: Yes. A portion of area does have a moderate to high potential for minerals.

Need: Yes. Due to proximity to Denver metro area.

12,800 acres recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

The Vasquez Peak study area is within the Colorado Mineral Belt and part of the Daily mining district and has numerous evidences of mineralization, especially along the eastern boundary. The Berthoud Pass fault lies within the eastern and southern edge where substantial potential for high grade lead-zinc-silver deposits exists. This fault zone has been the site of active exploration in the last few years.

The potential for uranium deposits along this zone is also very high, according to recent exploration reports. NURE classifies the area as very favorable for uranium deposits.

The Silver Plume granite trend, which holds the molybdenum orebody for both AMAX's Henderson Mine and Urad Mine, extends into the southern portion of the WSA. These major mines plus numerous smaller mines are located within a mile south of the WSA. AMAX continues to conduct exploration in the area, as do other companies. Probable mineral resource potential is described by the USGS (Professional Paper 1300).

Recorded Production

None.

8. VASQUEZ PEAK - Page 2

Mining Districts, Mines, and Claims

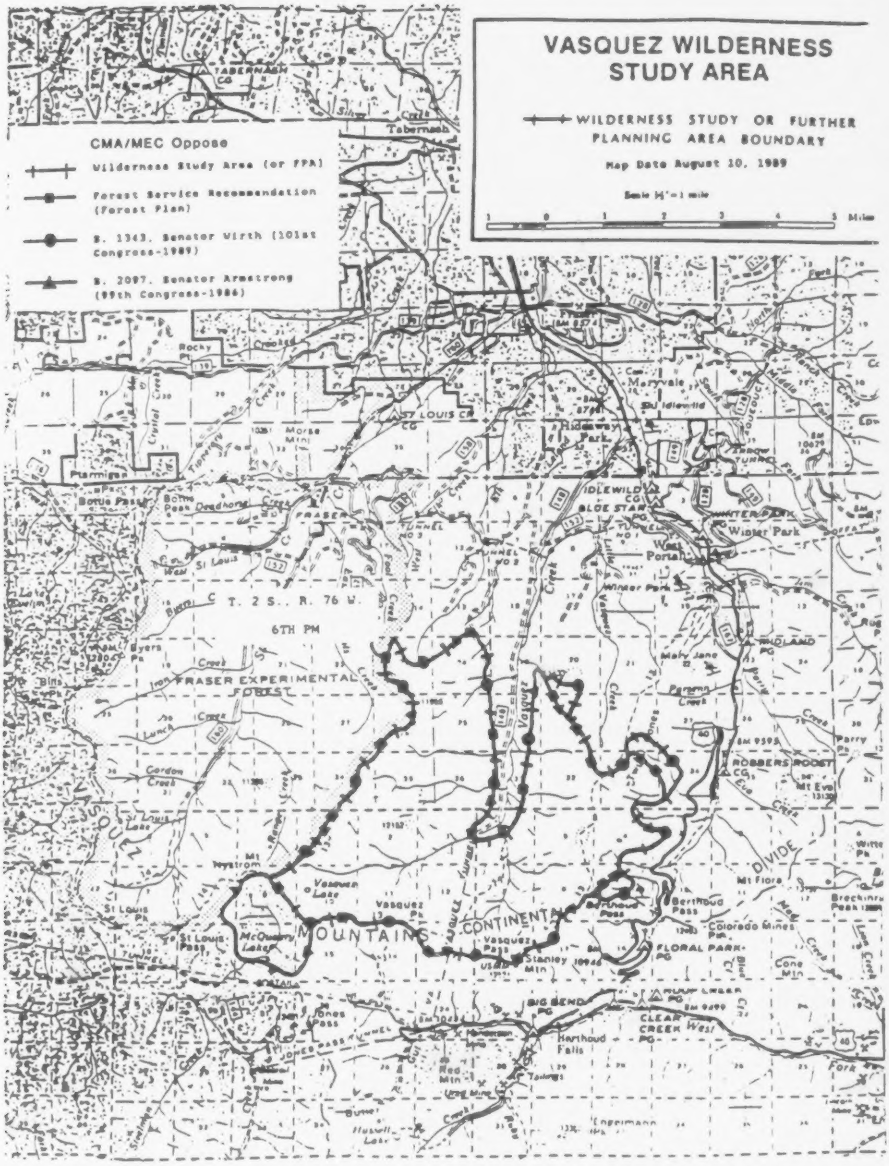
Districts: Southern part lies in part of the Daily mining district.

Mines: No mines.

Claims: Block of claims for uranium (north) and base metals (south).

Recent Company Activity

Amoco Minerals has investigated uranium occurrences on east side of area. AMAX exploration along fault zone extending south into area.


VASQUEZ WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½"=1 mile
1
0
1
2
3
4
5 Miles
CMA/MEC Oppose
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
TABERNASH CG
Tabernash
Rocky
Crooked
Maryvale
Ski Idlewild
Rideaway Park
ST LOUIS CG
Morse Mtn
Ptarmigan
Bottle Pass
Bottle Peak
Deadhorse Creek
FRASER
TUNNEL NO 3
TUNNEL NO 2
IDLEWILD CG
BLUE STAR PG
WINTER PARK
Winter Park
West Portal
Winter Park
West St Louis
Byers
T. 2 S., R. 76 W.
6TH PM
Byers Pk
FRASER EXPERIMENTAL FOREST
Iron Creek
Lunch Creek
Gordon Creek
St Louis Lake
Mt Nystrom
Vasquez Lake
Vasquez Pk
McQueary Lake
St Louis Pk
St Louis Pass
MOUNTAINS
CONTINENTAL
DIVIDE
Vasquez Pass
Stanley Mtn
Berthoud Pass
Mt Flora
Colorado Mines Pk
FLORAL PARK PG
Cone Mtn
ROBBERS ROOST CG
Mt Eva
Parry Pk
Mary Jane
Parsenn Creek
Breckinridge Peak
BIG BEND PG
CLEAR CREEK
Berthoud Falls
Jones Pass
Red Mtn
Butler
Hassell Lake
Engelmann
West Fork

# 9. **WEST NEEDLE** - WSA

Size:
21,580 acres - Study Area (National Forest 15,800)
(Bureau of Land Management 5,780)
31,100 acres - Armstrong's **1986** Bill
(includes 8,000 acres of Weminuche Contig., Whitehead Gulch, and Needle Creek areas)
22,110 acres - Wirth's **1989** Bill
(includes 2,240 acres of Purgatory Flats Study Area, remaining in study status)
20,340 acres - recommended in USFS **1989** Plan

*Note: About 4,000 acres of the BLM Study Area was transferred to the Forest Service by P.L. 98-141, October 31, 1983.

San Juan National Forest (RARE II, A2-303, wilderness recommendation)

San Juan and La Plata Counties, Colorado; Third Congressional District

Location: 5 miles south of Silverton

Recommendations

A.) Forest Service -

Forest Service (R-2), San Juan National Forest Land and Resource Management Plan, September, 1983.

Capable: Yes. (WARS, 21). Excludes 1240 acres near Lolas Lake where established motorized use would be difficult to prevent.

Available: Yes. But mineral values may be foregone. 640 acres of State of Colorado land within area.

Need: No.

20,340 acres recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

Numerous small mines and workings border, or are within, the eastern boundary of the WSA. Information from these workings indicates minor lead-zinc and gold values in the area. Moderate to high values of silver occurring in adjacent faults may extend into the study area.

The Elk Park Mine on the eastern edge of the boundary has a potentially large uranium deposit which projects laterally into the study area. Exxon Minerals has drilled extensively at the mine in 1981-1982 and has claims in the WSA.

NURE estimates approximately 10 million lbs. of U_3O_8 within the study area.

# 9. WEST NEEDLE - Page 2

The additional BLM study areas, West Needle, Needle Creek, Whitehead Gulch and Weminuche Contiguous have potential similar to the West Needle WSA. Base and precious metals mineralization is evident and the probability of a large uranium deposit in the BLM West Needle addition exists.

Recorded Production

Probably some limited production of base and precious metals, but none recorded. A couple hundred tons of low grade uranium from the Elk Park Mine, located on the boundary of the West Needle BLM WSA.

Mining Districts, Mines, and Claims

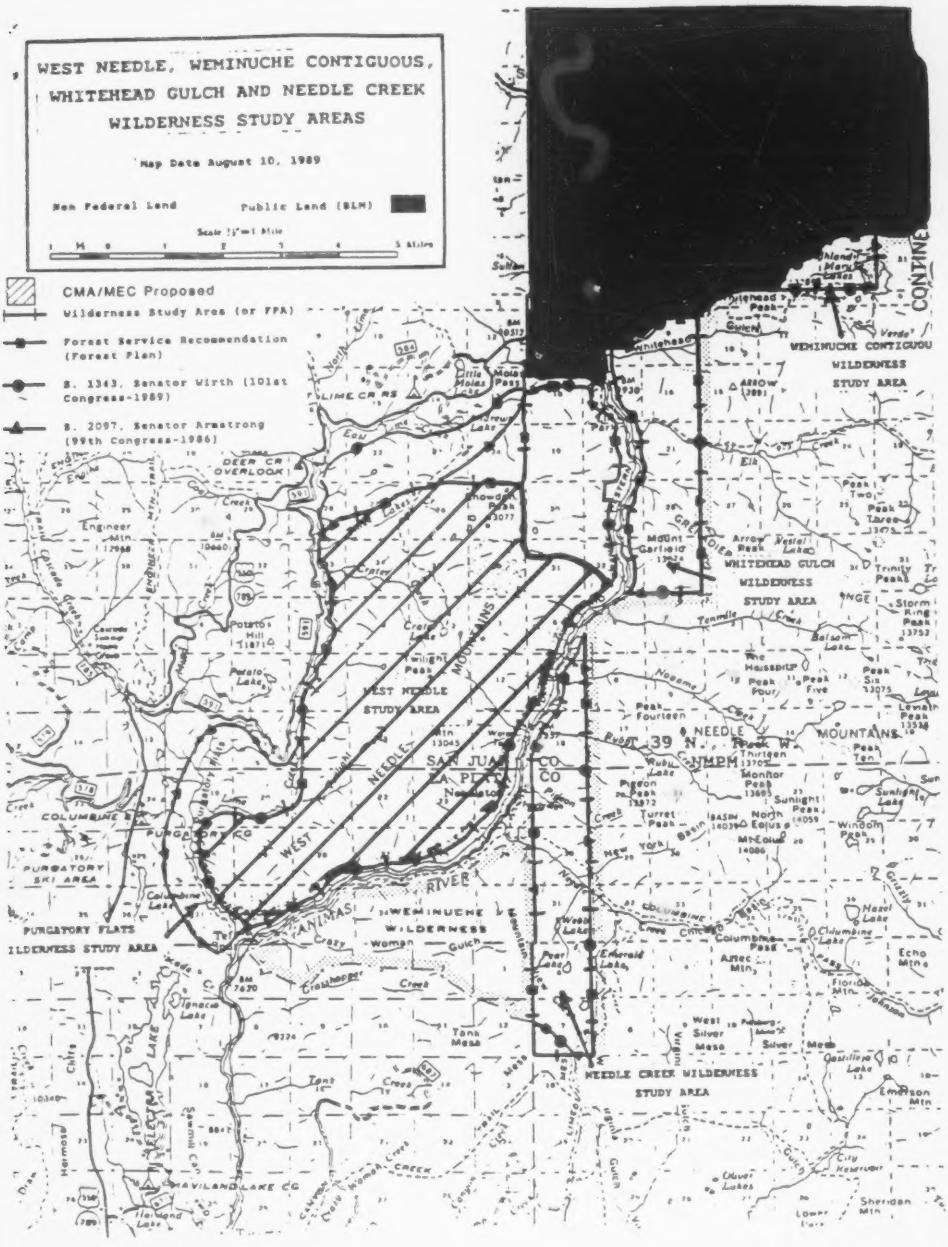
Districts: Needle Mountain, Animas.

Mines: Bitteroot Mine, Hidden Hole Prospect, several other small prospects.

Claims: Several unpatented claims in the West Needle WSA. Elk Park (Surprize) uranium claims situated within 1/8 mile of the West Needle BLM WSA. Several unpatented claims in all the BLM recommended WSAs. Several patented claims near the BLM WSAs.

Recent Company Activity

Drilling and mapping in 1979 at the Elk Park Mine by Exxon.


WEST NEEDLE, WEMINUCHE CONTIGUOUS, WHITEHEAD GULCH AND NEEDLE CREEK WILDERNESS STUDY AREAS
Map Date August 10, 1989
Non Federal Land
Public Land (BLM)
Scale ½" = 1 Mile
1 ½ 0 1 2 3 4 5 Miles
CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
LIME CR RS
DEER CR OVERLOOK
Engineer Mtn
Potato Hill
Potato Lake
Little Molas Lake
Molas Pass
Snowdon Peak 13077
Crater Lake
Twilight Peak
WEST NEEDLE STUDY AREA
WEST NEEDLE MOUNTAINS
SAN JUAN CO
LA PLATA CO
PURGATORY CG
COLUMBINE RS
PURGATORY SKI AREA
PURGATORY FLATS WILDERNESS STUDY AREA
Columbine Lake
ANIMAS RIVER
WEMINUCHE WILDERNESS
Crazy Woman Gulch
Grasshopper Creek
Tenmile Creek
Noname Creek
Ruby Creek
Elk Creek
Whitehead Peak
Whitehead Gulch
WEMINUCHE CONTIGUOUS WILDERNESS STUDY AREA
Arrow Peak
Mount Garfield 13074
Vestal Lake
Arrow Peak
WHITEHEAD GULCH WILDERNESS STUDY AREA
Peak Two
Peak Three
Trinity Peak
Storm King Peak 13752
Balsam Lake
The Heisspitz
Peak Four
Peak Five
Peak Six 13075
Peak Fourteen
NEEDLE MOUNTAINS
T. 39 N., R. 7 W. NMPM
Peak Thirteen 13705
Monitor Peak 13695
Pigeon Peak 13972
Turret Peak
Sunlight Peak 14059
North Eolus 14039
Mt Eolus 14086
Windom Peak
Sunlight Lake
Ruby Lake
New York Basin
Columbine Pass
Aztec Mtn
Columbine Lake
Hazel Lake
Echo Mtn
Florida Mtn
Webb Lake
Pear Lake
Emerald Lake
West Silver Mesa
Silver Mesa
Castilleja Lake
Emerson Mtn
NEEDLE CREEK WILDERNESS STUDY AREA
Tank Mesa
Tenecia Lake
Haviland Lake
HAVILAND LAKE CG
Hermosa Cliffs
City Reservoir
Sheridan Mtn
Oliver Lakes
CONTINENTAL

10. WHEELER GEOLOGIC - WSA

Size:
11,390 acres - Study Area
15,900 acres - Armstrong's 1986 Bill
25,000 acres - Wirth's 1989 Bill
Not recommended in USFS 1989 Plan

Rio Grande National Forest (RARE II, portion of 02-278, non-wilderness recommendation)

Mineral County, Colorado; Third Congressional District

Location: 6 miles northeast of Creede

Recommendations

A.) Forest Service -

Forest Service (R-2), Study Area Report, May, 1983.

Capable: Yes. (WARS, 21). The south and east side lack natural features to establish a boundary.

Available: No. Geologic formation should be available to all people (elderly and handicapped). Wilderness would exclude vehicles. Colorado Comprehensive Outdoor Recreation Plan recommends increased priority on picnicing and four-wheeling for this region.

Need: No. 1.5 million acres within 100 miles.

Total area recommended unsuitable for inclusion in the N.W.P.S. Proposed management, designate 640 acres as a Special Interest Area with motorized travel corridor up to the geologic formation.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

The Wheeler Geologic area, a mile-square tract, was withdrawn from mineral activity and set aside as a Forest Service geologic "monument" around 1960. The wilderness study area originated because of these unique volcanic formations, but encompasses a 21-square-mile area surrounding the monument.

Even though this WSA is close to the Creede mining district and has similar geology, low mineral potential is reported. There is no evidence of past prospecting activity. Because of the volcanic activity, zinc and uranium anomalies occur, but are not believed to be linked to any significant mineralization.

Gold has been detected outside the southern boundary of the area, but not within the WSA.

Generally, very little surface mineralization exists and no drilling has occurred to test for buried deposits.

# 10. **WHEELER GEOLOGIC** - Page 2

Recorded Production

There is no record of mineral production from within the study area. The Creede mining district, located approximately 1/2 mile west of the study area boundary, produced approximately 70 million dollars worth of copper, gold, lead, silver and zinc from 1891-1966 (Meeves & Dernell, 1968, p. 5).

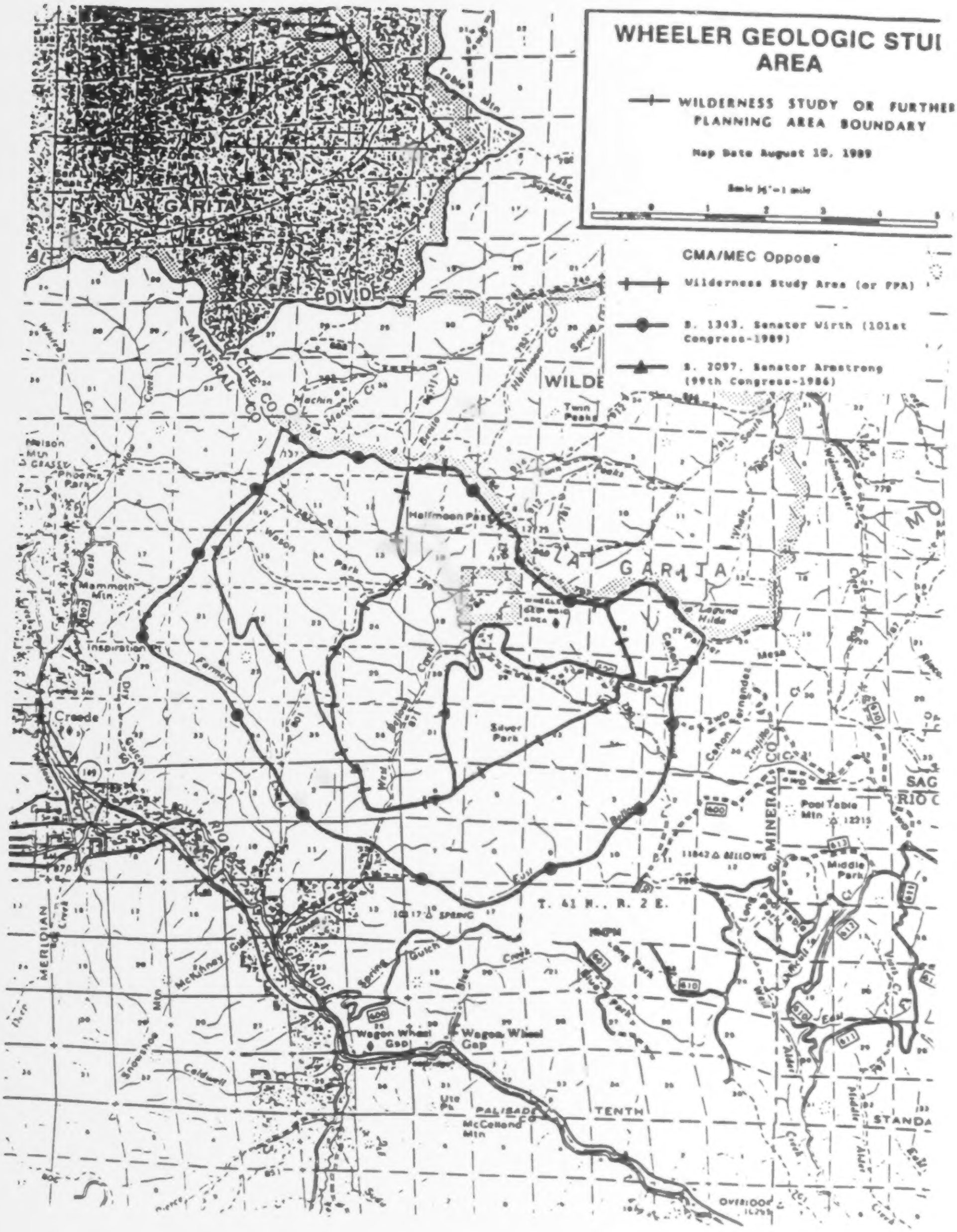
Mining Districts, Mines, and Claims

The study area is not a part of an organized mining district. The nearest mining district is the Creede. No mines or prospects are known to be present within the study area.

No patented mining claims are within the study area. Six unpatented mining claims are in the west-central part of the study area.

Recent Company Activity

Nye Metals Company staked mining claims within the study area during 1981. Homestake near the study area.


WHEELER GEOLOGIC STUI
AREA
WILDERNESS STUDY OR FURTHEI
PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½"=1 mile
1
0
1
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3
4
5
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
LA GARITA
DIVIDE
MINERAL CO
SAGUACHE CO
WILDE
Twin Peaks
Halfmoon Pass
Wason Park
LA GARITA
Laguna Hilda
Wheeler Geologic Area
Silver Park
Nelson Mtn
Phoenix Park
Mammoth Mtn
Inspiration
Creede
Farmers
Bellows Creek
Pool Table Mtn
Middle Park
T. 41 N., R. 2 E.
RIO GRANDE
MERIDIAN
McKinney Gul
Spring Gulch
Blue Creek
Long Park
Wagon Wheel Gap
Ute Pk
McClelland Mtn
PALISADE
TENTH
STANDA
SAG
RIO G
MINERAL CO
Snowshoe Mtn
Caldwell
Cañon Fernandez
Trujillo
Willow
Machin
Overlook
Goat Ck
Alder

# 11. OH-BE-JOYFUL - WSA

Size:
5,500 acres - Study Area
-0- acres - Armstrong's 1986 Bill
5,500 acres - Wirth's 1989 Bill

Gunnison National Forest (RARE II, portion of B2-181, non-wilderness recommendation)

Gunnison County, Colorado; Third Congressional District

Location: About 4 miles northwest of Crested Butte

Recommendations

A.) Forest Service -

Forest Service (R-1), Study Report, Draft EIS, June 4, 1981.

Capable: Yes. (WARS, 23).

Available: No. High likelihood of significant economic and social value due to mineral resource potential.

Need: No. 600,000 acres nearby; not needed to improve land form and ecosystem representation. No vegetative or wildlife species have been identified as requiring wilderness environment for survival.

Total area recommended unsuitable for inclusion in N.W.P.S., and a second Congressional mandated Forest Service Study in 1984 concluded, again, that Oh-Be-Joyful is not suitable for wilderness designation.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

The study area has considerable potential for numerous types of mineral deposits. Resources of molybdenum are present in two deposits immediately adjacent to the area and several suspected close to and within the WSA. The Mt. Emmons molybdenum deposit and the Redwell Basin deposit are adjacent to the southwestern corner, and another area of potential molybdenum mineralization is in the northwestern part of the study area.

Very probable potential exists for silver-lead-zinc throughout the area, especially in the eastern and southern portions. The Oh-Be-Joyful Creek sediments indicate copper, lead, zinc and manganese are derived from Peeler Basin. Precious metal (gold-silver) veins exist and are likely offshoots from the Mt. Emmons deposit.

Indicated silver-lead-zinc resource of 10,000 tons average grade 0.6 oz/ton silver, 1.0 percent lead, and 1.4 percent zinc.

Inferred silver-lead-zinc resource of 400,000 tons average grade 0.6 oz/ton silver, 1.0 percent lead, and 1.4 percent zinc.

11. OH-BE-JOYFUL - Page 2

Inferred coal resource, in beds 1-6 feet thick, of 12 million tons, about half is recoverable.

High potential for molybdenum, silver, lead and zinc.

NURE reports five uranium anomalies in the area; two in Democrat Basin, two in Peeler and one northeast of Blue Lake.

More than 1/2 of the area contains substantiated mineral resource potential for coal.

Oil and gas leases have blanketed the area as late as 1981.

Almost all of the area is described by the U.S. Geological Survey and U.S. Bureau of Mines as having substantial or probable mineral resource potential in the minerals described above. Past mineral activity is evident throughout the area.

Recorded Production

From Area	Immediate Vicinity
36 oz. gold	24,000 oz. gold
802 oz. silver	5.2 million oz. silver
346 lb. lead	6.6 million lb. copper
342 lb. zinc	30.9 million lb. lead
	55.2 million lb. zinc

Mining Districts, Mines, and Claims

Entirely within the Ruby mining district. On edge of Crested Butte coal mining district. Three inactive mines, many prospects.

All or part of five patented claims are in the WSA. Major parts of the area have been covered by unpatented claims. Over 90 indications of past mineral exploration in Oh-Be-Joyful, i.e., adits, shafts, etc.

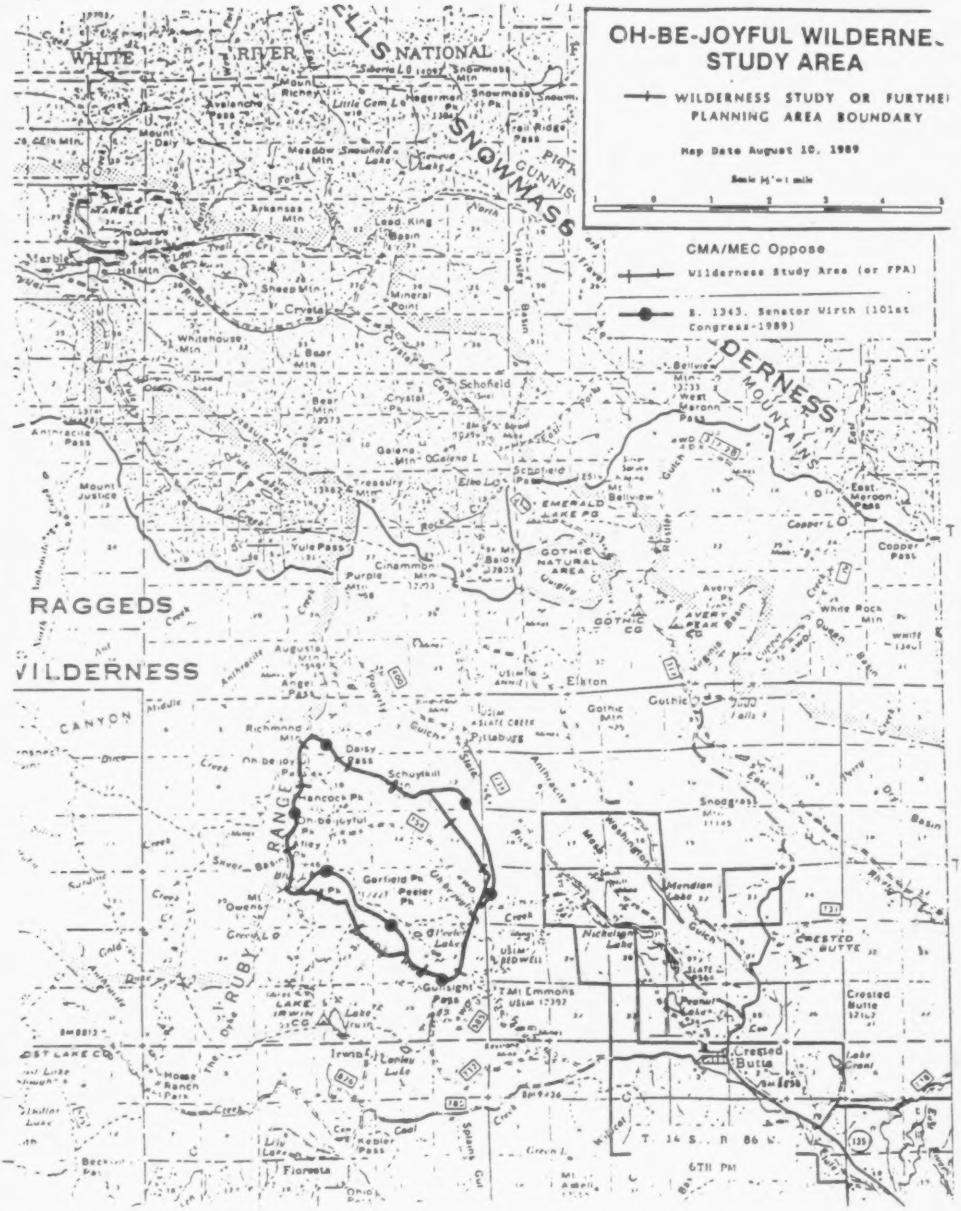
Recent Company Activity

Drilling by AMAX on edge of WSA encountered molybdenum.

Mapping and geochemistry by AMAX.

Geophysics by U.S. Energy Corp.

Oil and gas leases - 1980-81.


OH-BE-JOYFUL WILDERNE
STUDY AREA
WILDERNESS STUDY OR FURTHE
PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
WHITE
RIVER
NATIONAL
SNOWMASS
RAGGEDS
WILDERNESS
DERNESS
MOUNTAINS
Marble
Crystal
Schofield
Schofield Pass
Mount Justice
Yule Pass
GOTHIC NATURAL AREA
Gothic
Elkton
Pittsburg
Daisy Pass
Schuylkill Mtn
Hancock Pk
Oh-Be-Joyful Pass
Garfield Pk
Peeler Pk
Gunsight Pass
Irwin
Kebler Pass
Crested Butte
RUBY RANGE
Mt Emmons
Snodgrass Mtn
Washington Gulch
Nicholson Lake
Peanut Lake
Lake Irwin
CANYON
T. 14 S., R. 86 W.
6TH PM
Floresta

12. SPRUCE CREEK - WSA

Size:
8,000 acres - Study Area
8,000 acres - Armstrong's 1986 Bill
8,000 acres - Wirth's 1989 Bill
8,000 acres - recommended in USFS 1989 PLAN

White River National Forest (RARE II, A2-177 [Porphyry Mtn.] non-wilderness recommendation)

Pitkin County, Colorado; Third Congressional District

Location: 9 miles northeast of Aspen

Recommendations

A.) Forest Service -

Forest Service (R-2), Draft EIS, September, 1980.

8,000 acres recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - 8,000 acres.

Mineral Potential

This study area has a low potential for mineral deposits. Rocks favorable for silver mineralization in the nearby Aspen mining district do not occur in this area. Historic prospects are rare and no anomalies exist in stream sediments.

Recorded Production

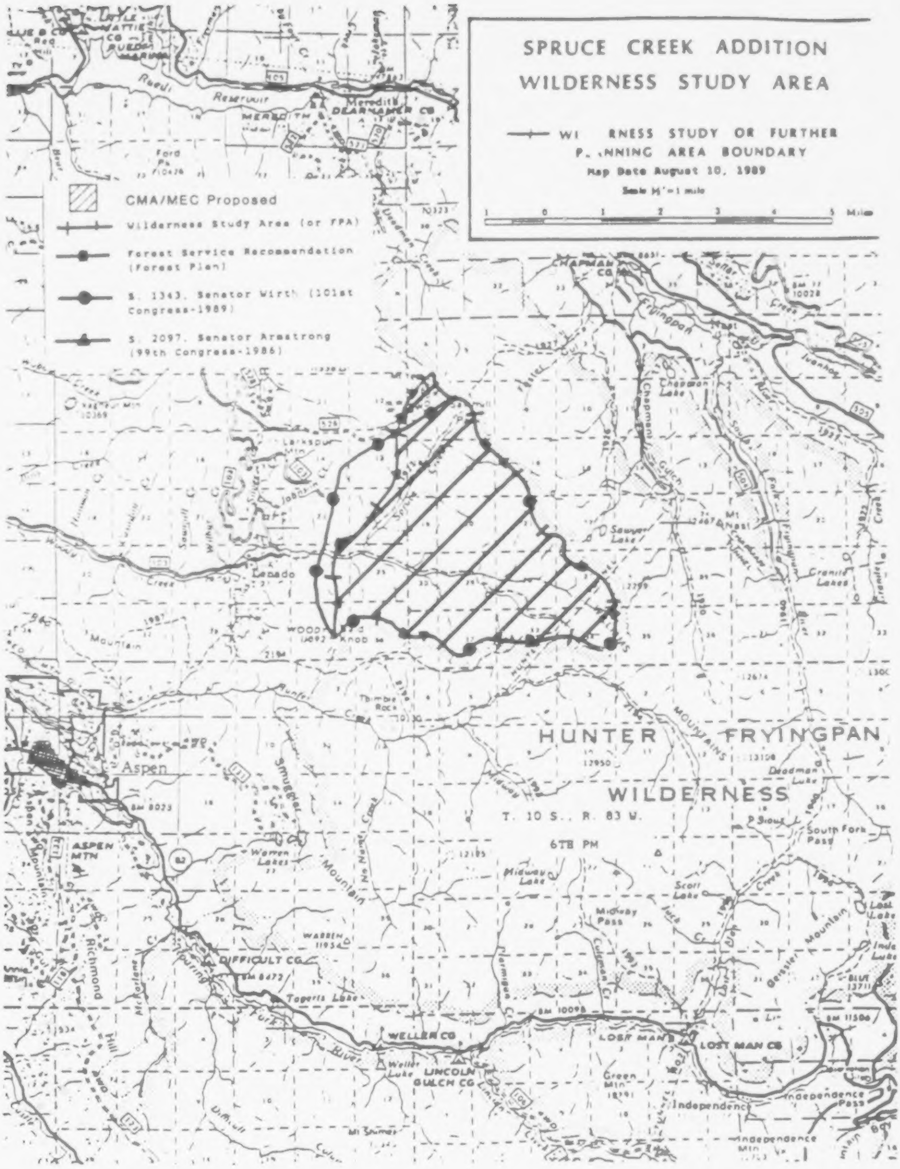
A few pounds of U_3O_8 from a mine on the north corner.

Mining Districts, Mines, and Claims

No mining districts; one small mine, no longer active, with a small block of associated claims.

Recent Company Activity

None known.


SPRUCE CREEK ADDITION
WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Miles
CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
HUNTER FRYINGPAN
WILDERNESS
T. 10 S., R. 83 W.
6TH PM
Aspen
ASPEN MTN
Ruedi Reservoir
Meredith
Chapman Lake
Lenado
Woody Creek
Sawyer Lake
Granite Lakes
Thimble Rock
Warren Lakes
Smuggler Mountain
Midway Lake
Midway Pass
Scott Lake
South Fork Pass
Geissler Mountain
DIFFICULT CG
WELLER CG
LINCOLN GULCH CG
LOST MAN CG
Independence
Independence Pass
Independence Mtn
Richmond Hill
Fryingpan River

13. **BIG BLUE WILDERNESS ADDITIONS--AMERICAN FLATS** BLM - WSAs

Uncompahgre Forest and BLM Area

Size:
5,980 acres - Study Area
-0- acres - Armstrong's **1986** Bill
3,900 acres - Wirth's **1989** Bill

CMA & MEC - oppose wilderness designation.

Mineral Potential

Base and precious metals - moderate potential.

Recorded Production

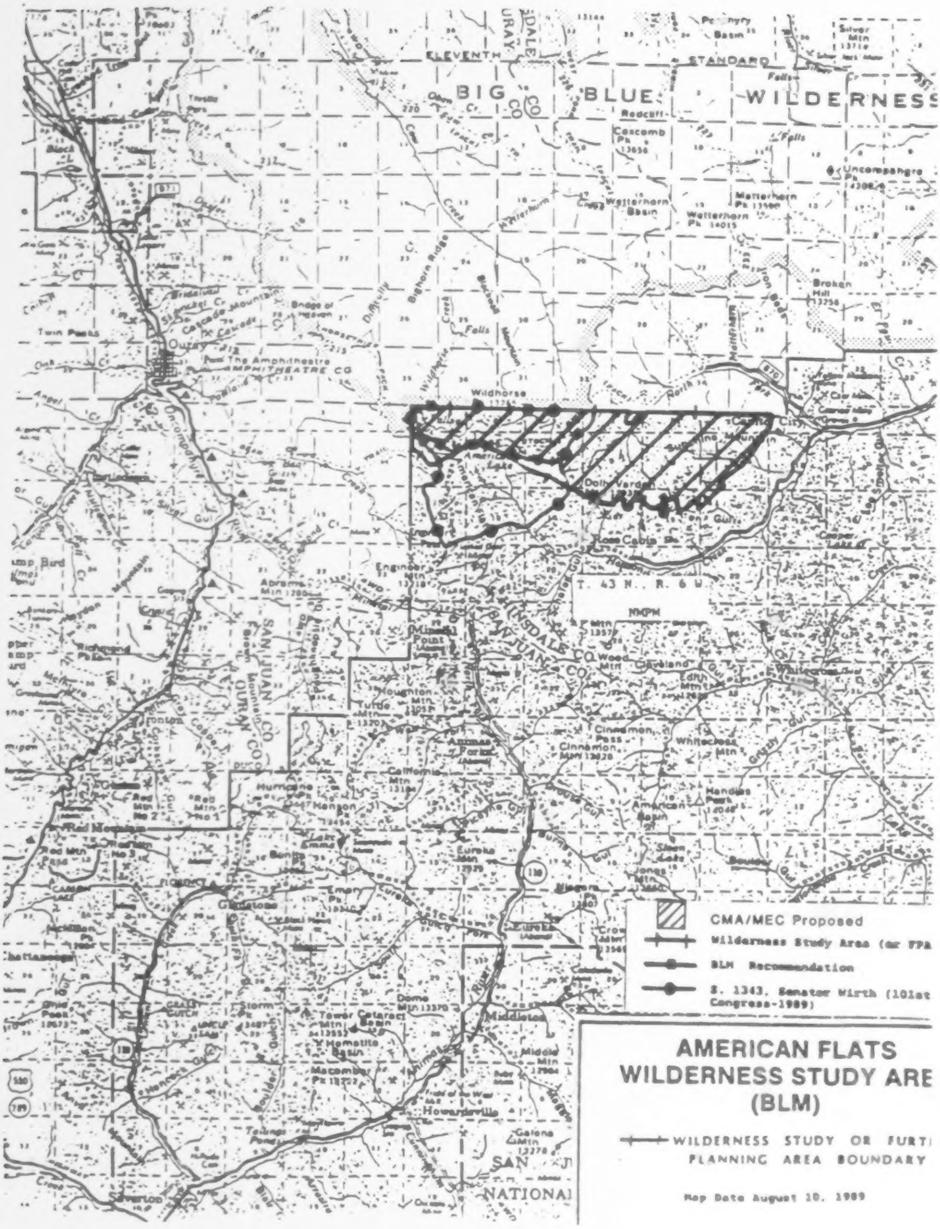
No recorded production.

Mining Districts, Mines, and Claims

The area is not in an organized mining district. There are no patented claims, but three current unpatented claims in the northern portion and numerous claims and drilling activity in the southern section (see below).

Recent Company Activity

Homestake Mining Company, as of October 1989, holds 39 unpatented mining claims in the additional acreage proposed for wilderness in S. 1343. Homestake completed three drill holes there (500 to 1,000 feet deep) from 1978 to 1986, and is interested in continuing to explore the site for additional polymetallic breccia pipes and veins. This material may be similar to occurrences mined 10 miles to the southwest, in the Red Mountain district.


BIG BLUE WILDERNESS
ELEVENTH
STANDARD
Ouray
Wildhorse
American Lake
T. 43 N., R. 6 W.
NMPM
HINSDALE CO.
SAN JUAN CO.
OURAY CO.
Engineer Mtn
Mineral Point
Houghton Mtn
Animas Forks
Cinnamon Pass
Whitecross Mtn
American Basin
Handies Peak
Eureka
Silverton
Howardsville
Middleton
Red Mtn Pass
Ironton
Gladstone
SAN JUAN NATIONAL
CMA/MEC Proposed
Wilderness Study Area (or FPA
BLM Recommendation
S. 1343, Senator Wirth (101st Congress-1989)
AMERICAN FLATS
WILDERNESS STUDY ARE
(BLM)
WILDERNESS STUDY OR FURT
PLANNING AREA BOUNDARY
Map Date August 10, 1989

13.A BILL HARE GULCH & LARSON CREEK - BLM-WSA

BLM Administered

Size: Acreage not calculated in S.1343 (Wirth, 1989)
Not recommended in S.2097 (Armstrong, 1986)
Not studied in USFS Plan (1989)

Recommendations

CMA & MEC - oppose wilderness designation.

Mineral Potential

Gold, silver, lead, zinc, copper and molybdenum. Mining activity is prevalent south of the proposed wilderness areas near Lake City; the Larsen Creek proposed wilderness is only about 1 mile to the north.

Recorded Production

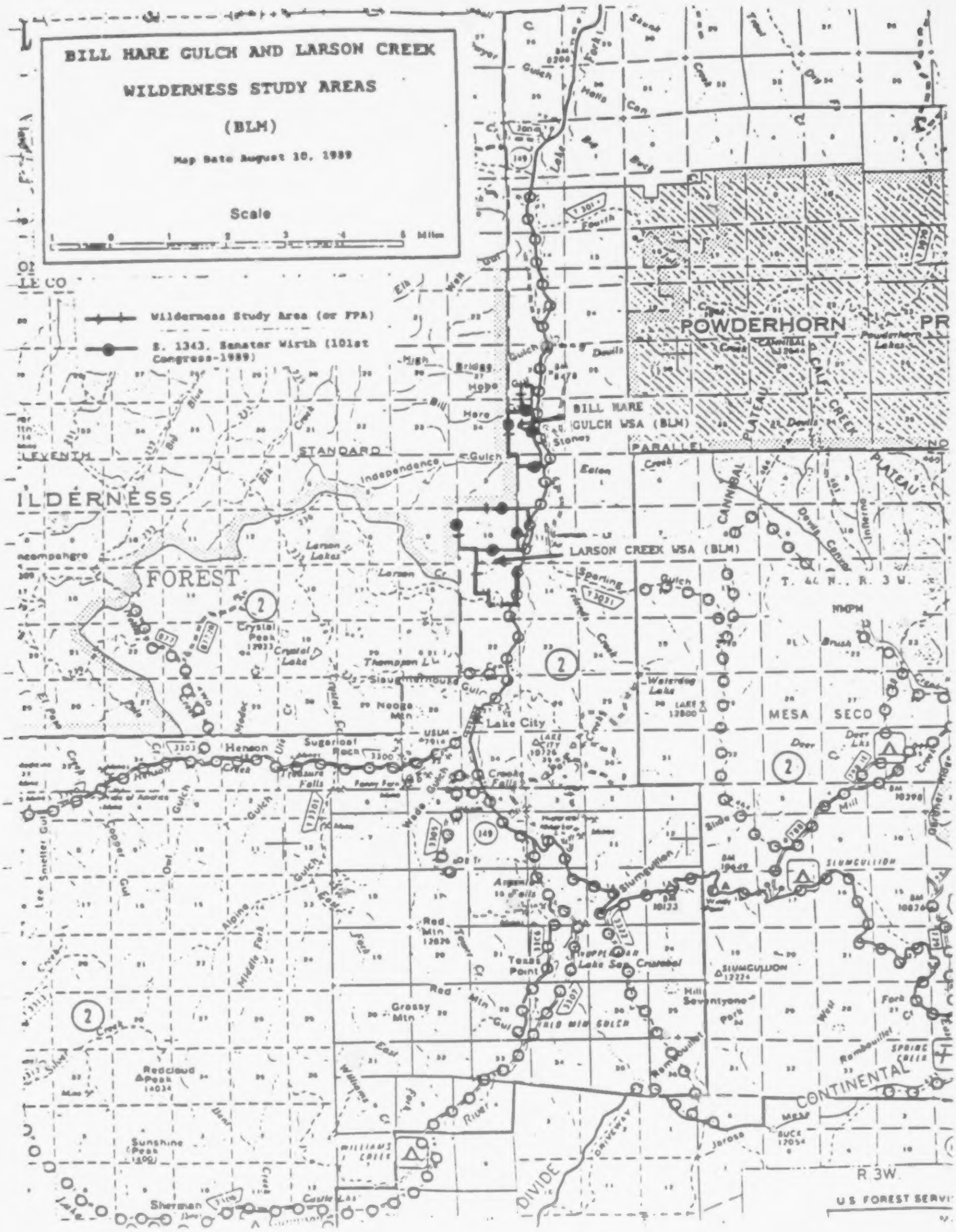
No recorded production.

Mining Districts, Mines, and Claims

The presence of any mines in either the Larsen Creek proposed wilderness or the Bill Hare Gulch proposed wilderness has not been established, and the status of mining claims has not been investigated.

Recent Company Activity

No recent company activity known.


BILL HARE GULCH AND LARSON CREEK
WILDERNESS STUDY AREAS
(BLM)
Map Date August 10, 1989
Scale
0 1 2 3 4 5 Miles
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
BILL HARE GULCH WSA (BLM)
LARSON CREEK WSA (BLM)
POWDERHORN
PARALLEL
CANNIBAL PLATEAU
CALF CREEK
STANDARD
ILDERNESS
FOREST
Crystal Peak
Lake City
Slumgullion
Lake San Cristobal
Red Mtn
Grassy Mtn
Texas Point
Redcloud Peak
Sunshine Peak
Sherman
MESA SECO
T. 44 N., R. 3 W.
NMPM
CONTINENTAL
DIVIDE
R 3W
U S FOREST SERVI

# 14. **SERVICE CREEK** - FPA

Size:
39,860 acres - Study Area
43,200 acres - Armstrong's 1986 Bill
54,700 acres - Wirth's 1989 Bill
34,860 acres - recommended in USFS 1989 Plan

Routt National Forest (RARE II, A2-104 non-wilderness recommendation)

Routt County, Colorado; Third Congressional District

Location: 12 miles southeast of Steamboat Springs

Recommendations

A.) Forest Service -

Forest Service (R-2), Routt National Forest Land and Resource Management Plan, November, 1983.

Capable: Yes. (WARS, 21). Manageable boundary.

Available: Yes. Foregone would be 18,000 acres of land suitable for timber production. No mineral extraction activities in area.

Need: Yes. Low elevation forested ecosystem (Lodgepole Pine) not common to other wildernesses in the area.

39,860 acres recommended suitable for inclusion in the N.W.P.S.

B.) CMA & MEC - 39,860 acres.

Mineral Potential

Government studies show no favorable conditions for the occurrences of mineral resources. Although considerable mining activity has occurred north and south of the study area, the geology is different within the area.

NURE evidence does show that very strong silver anomalies exist in sediments of Silver and Service Creeks. A similar silver anomaly exists outside the FPA in Morrison and Beaver Creeks. In addition to silver, stream sediments collected from Silver and Service Creeks in the FPA are anomalous in chromium, nickel, thorium, uranium, tungsten and rare-earth elements. Samples from these two creeks also show elevated values of bismuth, iron, magnesium, niobium, tin and vanadium.

While further study could be done in these areas, the USGS reports that no mineral resource potential has been identified.

Recorded Production

No recorded production.

# 14. SERVICE CREEK - Page 2

Mining Districts, Mines, and Claims

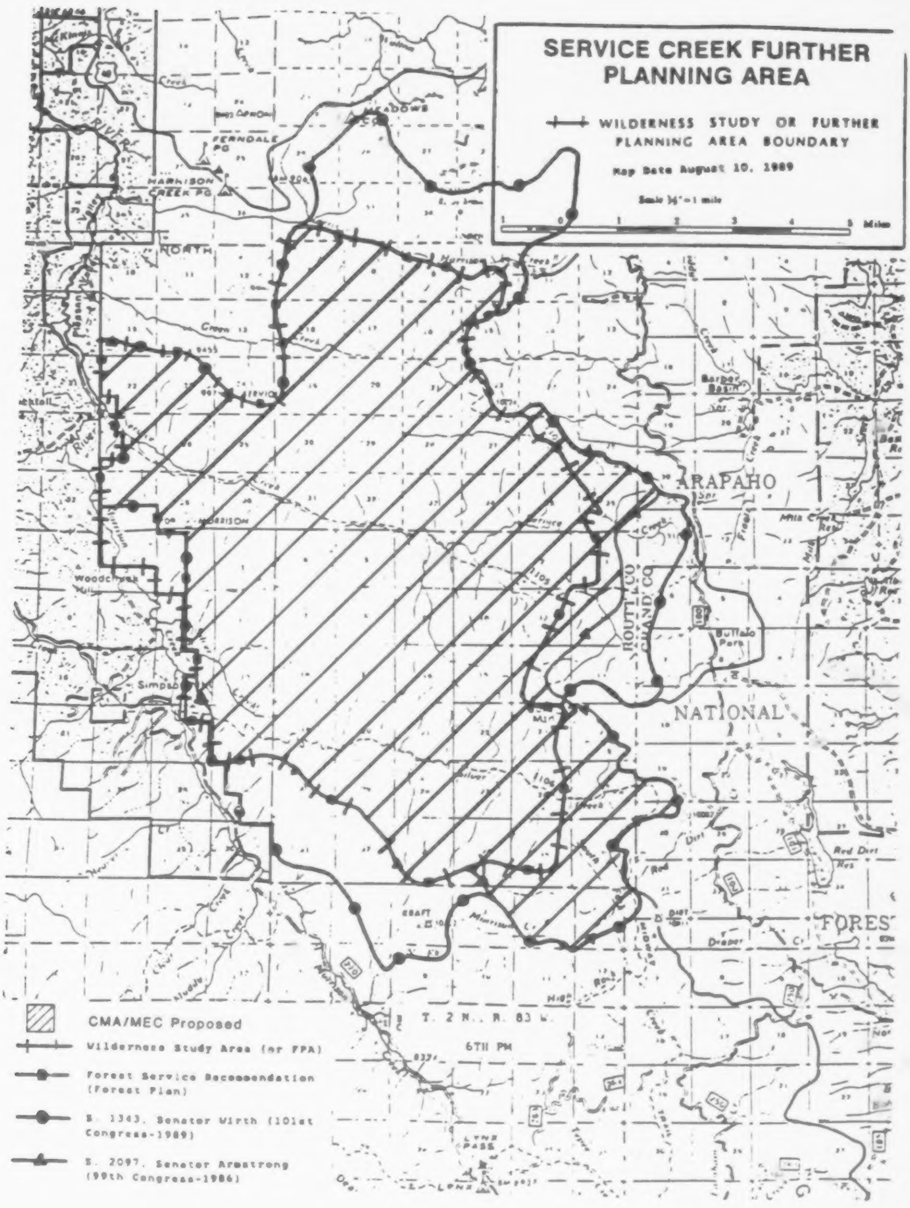
Mining districts: No known districts.

Mines: No known mines.

Claims: Small group of 18 unpatented claims located near Service Peak.

Recent Company Activity

No recent company activity known.



SERVICE CREEK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
ARAPAHO
NATIONAL
FOREST
NORTH
MEADOWS
FERNDALE PG
HARRISON CREEK PG
ROUTT CO
GRAND CO
Buffalo Park
Barber Basin
Red Dirt Res
Draper
Simpson
Woodchuck Hill
T. 2 N., R. 83 W.
6TH PM
LYNX PASS

15. CANNIBAL PLATEAU (Powderhorn) - FPA and BLM Study Area

Size:
31,990 acres - Study Area
62,300 acres - Armstrong's 1986 Bill
69,940 acres - Wirth's 1989 Bill
13,599 acres - recommended in USFS 1989 Plan

Gunnison National Forest (RARE II, 02, 218, further planning)

Hinsdale County, Colorado; Third Congressional District

Location: About 3 miles east of Lake City

Recommendations

A.) Forest Service -

Forest Service (R-2), Forest L & RM Plan, October, 1983.

Capable: Yes. (WARS, 22). Manageable boundary.

Available: Portion of area is available. West half has snowmobile use. Also in west half are special uses; Waterdog Lake and electronic site.

Need: Yes. Compliments adjacent Powderhorn Planning Area which has been recommended by BLM for wilderness.

13,599 recommended as suitable for inclusion in N.W.P.S.

B.) CMA & MEC - accept all boundaries that exclude southwest part of Study Area.

Mineral Potential

Mineral potential in the two areas is low. No mining districts exist in the areas, but the Lake City mining district adjoins the Cannibal Plateau FPA at the southwest edge. The mineral resource survey indicates that the southwest part of this area has probable potential for gold, silver and molybdenum. Probable mineral resouce potential is described in the southern part of the area in U.S. Geological Professional Paper 1300 and USBM Mineral Summary, Oct., 1989.

Many small mines and prospects, north of the Powderhorn area, were established to explore for base and precious metals. The area also contains the largest titanium and columbium proven reserves in the United States. Deposits of rare earths, barite, biotite and apatite are also in this area.

Recorded Production

None.

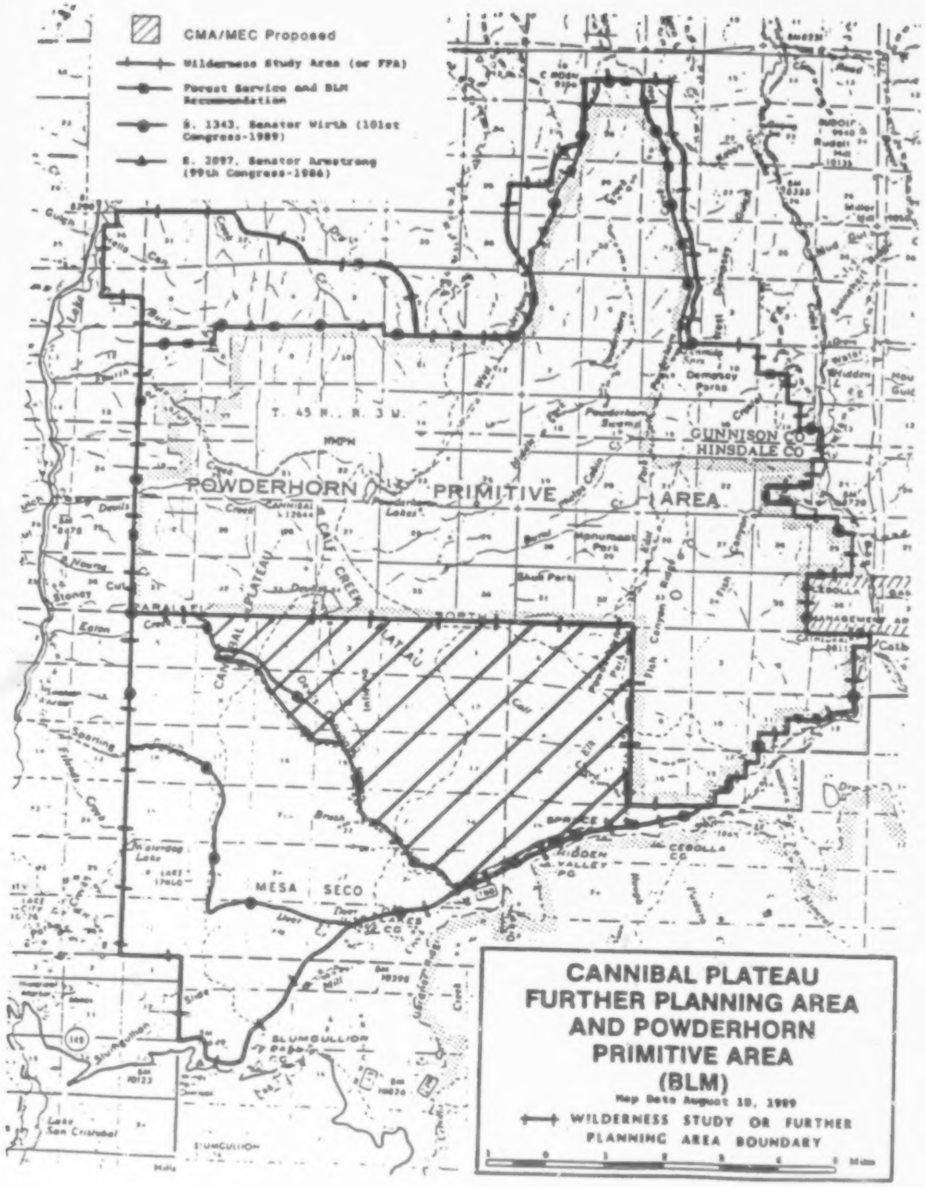
Mining Districts, Mines, and Claims

Very few claims.

# 15. CANNIBAL PLATEAU (Powderhorn) - Page 2

Recent Company Activity

None reported. However, Buttes Resource Company has a continuing development program in the Big Iron Hill area approximately two miles northeast of the proposed boundary. Their work includes exploration drilling, environmental assessment work and metallurgical testing of ores. The strategic minerals to be extracted are of extreme national importance. Establishment of wilderness boundaries in close proximity to this project could jeopordize its development.


▨ CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service and BLM Recommendation
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 45 N., R. 3 W.
NMPM
POWDERHORN PRIMITIVE AREA
CANNIBAL PLATEAU
CALF CREEK
GUNNISON CO
HINSDALE CO
Powderhorn Lakes
Powderhorn Swamp
Dempsey Parks
Monument Park
Fish Canyon
MESA SECO
SPRUCE
HIDDEN VALLEY PG
CEBOLLA CG
SLUMGULLION
Lake San Cristobal
Stoney
Eaton
Devils
149
CANNIBAL PLATEAU
FURTHER PLANNING AREA
AND POWDERHORN
PRIMITIVE AREA
(BLM)
Map Date August 10, 1989
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
1 0 1 2 3 4 5 Miles

# 16. **DAVIS PEAK** - FPA (Mt. Zirkel Addition)

Size:
8,100 acres - Study Area
14,400 acres - Armstrong's 1986 Bill
36,000 acres - Wirth's 1989 Bill
8,100 acres - recommended by USFS 1989 Plan

Routt National Forest (RARE II, A2-100, wilderness recommendation)

Jackson County, Colorado; Third Congressional District

Location: 35 miles north of Steamboat Springs

Recommendations

A.) Forest Service -

Forest Service (R-2), Routt National Forest Land and Resource Management Plan, November, 1983.

Capable: Yes. (WARS, 20). Managable boundary.

Available: Yes. 1,649 acres of land suitable for timber production. Low mineral potential.

Need: Yes. To meet a projected demand for wilderness recreation opportunities.

8,100 acres are recommended suitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation. Would accept area recommended by USFS.

Mineral Potential

The rocks that underlay the Davis Peak Study Area have a very high potential to host economic deposits of Au, Ag, Pb, Zn and Cu. These rocks host the mineral deposits in the Peral mining district (10 miles to the east) and the Encampment district (16 miles to the north) (Snyder, 1980). Geologically, this area is similar to areas elsewhere in the world which contain significant mineral resources, i.e., Canada and Australia.

The mineral potential for the Davis Peak Area is rated moderate to high for locatable minerals over 62% of the area (Routt FEIS p II-38). About 35 to 40% of the area is covered by recent stream gravels that overlay the same rocks believed to have moderate to high potential (Snyder, 1980). Therefore, the entire area should be considered to have high potential for locatable minerals.

Production

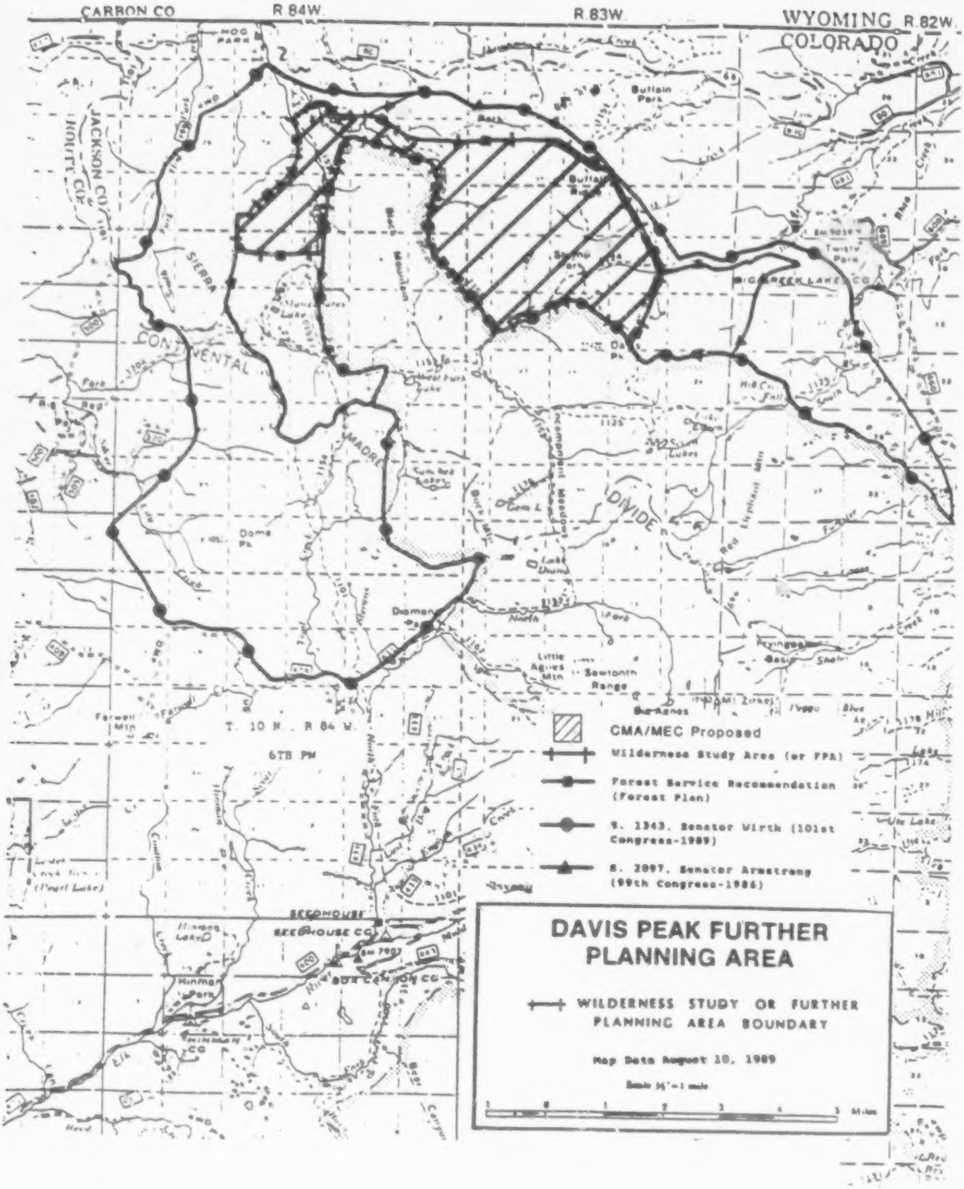
Unknown.

Mining Districts, Mines, and Claims

No established mining districts are in the area. At least one mine is in the study area (west central part Sec. 3, T11N R83W).

Recent Company Activity

None.


CARBON CO
R 84W.
R 83W.
WYOMING
COLORADO
R 82W.
JACKSON CO
ROUTT CO
SIERRA
CONTINENTAL
MADRE
DIVIDE
Buffalo Park
Black Mountain
Dome Pk
Little Agnes Mtn
Sawtooth Range
Big Agnes
Mt Zirkel
Encampment Meadows
Seven Lakes
Twisty Park
Big Creek Lakes CG
Seedhouse CG
Box Canyon CG
Hinman CG
Hinman Park
Farwell Mtn
Lower Lost Lake (Pearl Lake)
Diamond
T. 10 N., R 84 W.
6TH PM
CMA/MEC Proposed
Wilderness Study Area (or FPA)
Forest Service Recommendation (Forest Plan)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
DAVIS PEAK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
1
2
3
4
5
Miles

17. **LOST CREEK** - FPA

Size: 23,000 acres - Study Area
7,300 acres - Armstrong's 1986 Bill
11,000 acres - Wirth's 1989 Bill

Pike National Forest (RARE II, portion of A2-252, further planning recommendation)

Park County, Colorado; Fifth Congressional District

Location: 10 miles west of Bailey

Recommendations

A.) Forest Service -

Forest Service (R-2), Proposed Pike and San Isabel National Forests L & RM Plan, September, 1982.

Capable: No (WARS, 14). Wilderness characteristics lowered by 19 miles of road, 600 acres of timber have been harvested, electronic site.

Available: No. State of Colorado owns mineral rights on 3,840 acres.

Need: No.

Total area recommended as unsuitable for inclusion in N.W.P.S.

B.) CMA & MEC - 11,000 acres.

Mineral Potential

Mineral potential is reported as low. Uranium is the most prominent mineral noted in the area. Uranium has been mined in similar deposits west of the FPA. The northern and eastern portions show some indication of iron, lead, manganese and rare-earth elements, but no favorable indications exist for deposits. USGS Survey (OFR 86-036H, 1986) indicates moderate potential for beryllium and fluorspar at the southern tip of the area.

Recorded Production

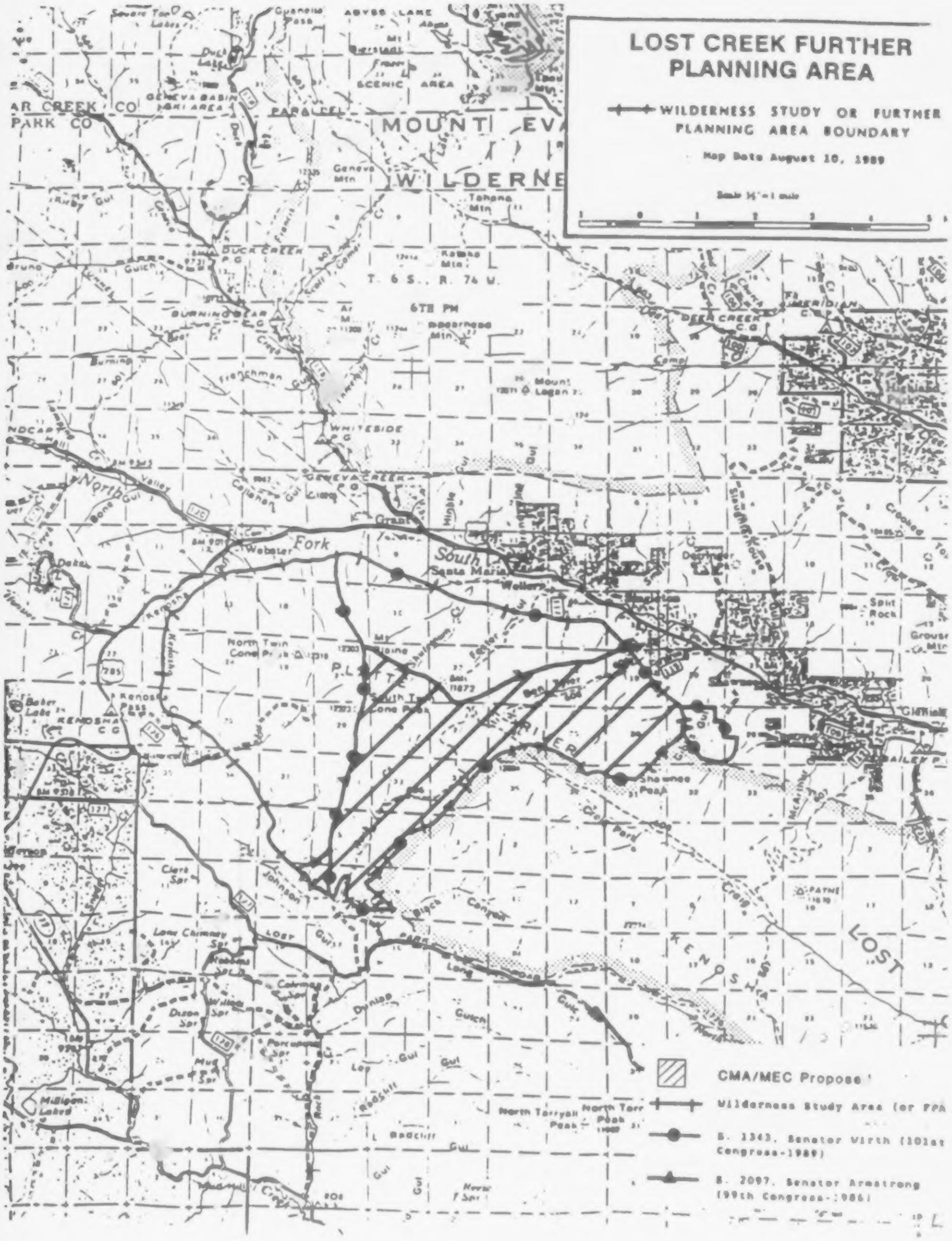
None.

Mining Districts, Mines, and Claims

No districts or mines. Several mining claims.

Recent Company Activity

None known.


LOST CREEK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
0 1 2 3 4 5
MOUNT EVA
WILDERNE
T. 6 S., R. 74 W.
6TH PM
Geneva Mtn
Tahana Mtn
Kataka Mtn
Mount Logan
Geneva Basin Ski Area
Duck Creek C.G.
Burning Bear C.G.
Whiteside C.G.
Geneva Creek C.G.
Deer Creek C.G.
Meridian C.G.
Frenchman Gul
North Fork
South
Santa Maria
Webster
Wellers
Grant
North Twin Cone Peak
South Twin Cone Peak
Mt Blaine
PLATTE
RIVER
Shawnee Peak
Kenosha Pass
Kenosha C.G.
Baker Lake
Split Rock
Grouse Mtn
Payne
LOST
KENOSHA
Johnson Gulch
Lost Park
Long Gulch
Craig
North Tarryall Peak
Redcliff
Milligan Lakes
Clark Spr
Low Chimney Spr
Dyson Spr
Mud Spr
Porcupine Spr
285
CMA/MEC Propose
Wilderness Study Area (or FPA
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)

18. **ST. LOUIS PEAK** - FPA

Size: 12,800 acres - Study Area
8,600 acres - Armstrong's **1986** Bill
-0- acres - Wirth's **1989** Bill
(combines St. Louis & Vasquez Peaks,
total of **24,160** acres, see #8 "Vasquez Peak"
for statistics)

Arapaho National Forest (RARE II, E2-361, further planning recommendation)

Grand County, Colorado; Third Congressional District

Location: 13 miles north of Dillon

Recommendations

A.) Forest Service -

Forest Service (R-2), Routt National Forest Land and Resource Management Plan, November, 1983.

Capable: No. (WARS, 19). Problems associated with locating boundaries on-the-ground and the close proximity of non-conforming land uses which are evident from within the further planning area.

Available: Yes. Some resource values are foregone (timber, minerals, water development potential), but not of overriding significance.

Need: Yes. Demand for wilderness experience in general area expected to increase significantly.

Total area is recommended unsuitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

Moderate potential for silver, copper, lead and zinc exists in the study area. Past mineral activities occur in the southeastern and northern portion and the numerous mines on the eastern side of the area are where the silver-lead-zinc occurrences surfaced. Indications of this vein mineralization exist in these areas of the St. Louis Peak FPA.

A probable resource potential exists in the area for molybdenum mineralization based on the type of granite in the area, an extension of the Silver Plume trend that has produced millions of tons of molybdenum from AMAX's Henderson Mine just southeast of St. Louis Peak.

NURE reports elevated values of cobalt in Keyser Creek and numerous evidence exists for uranium and rare-earth elements. Probable mineral resource potential is described for the area in U.S. Geological Survey Professional Paper 1300 and USBM Mineral Summary, Oct., 1989.

# 18. ST. LOUIS PEAK - Page 2

Recorded Production

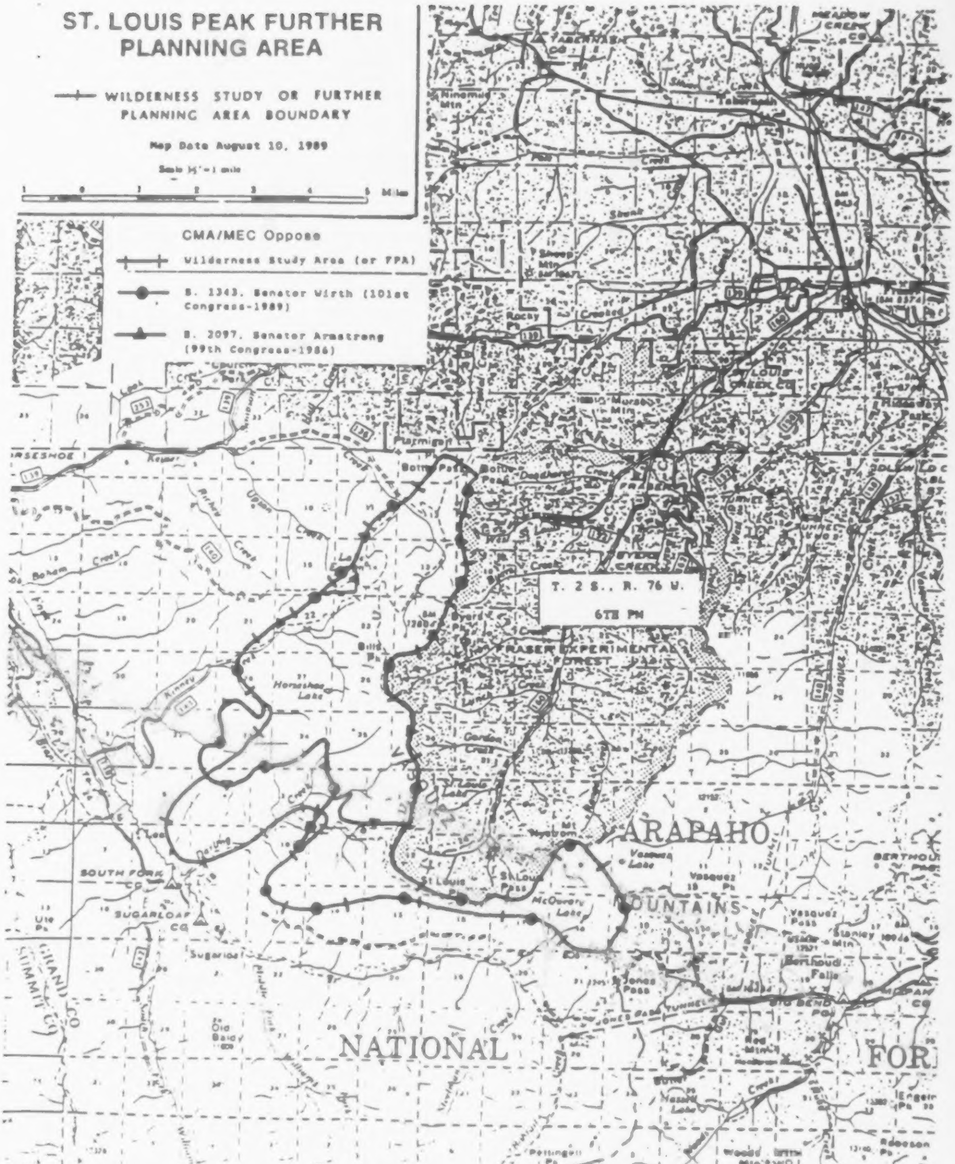
None.

Mining Districts, Mines, and Claims

La Plata district, along southern part. No mines, few claims.

Recent Company Activity

None.


ST. LOUIS PEAK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale 1½" = 1 mile
1 0 1 2 3 4 5 Miles
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343, Senator Wirth (101st Congress-1989)
S. 2097, Senator Armstrong (99th Congress-1986)
T. 2 S., R. 76 W.
6TH PM
FRASER EXPERIMENTAL FOREST
ARAPAHO
MOUNTAINS
NATIONAL
FOR
St Louis Lake
St Louis Pass
Mt Nystrom
Vasquez Lake
Vasquez Pk
McQuery Lake
Jones Pass
Berthoud Falls
Berthoud Pass
Vasquez Pass
Stanley Mtn
Red Mtn
Byers Pk
Bottle Pk
Bottle Pass
Ptarmigan
Horseshoe Lake
Darling Creek
Kinney Creek
SOUTH FORK CG
SUGARLOAF CG
Sugarloaf
Ute Pk
Old Baldy
GRAND CO
SUMMIT CO
Rocky Pt
Morse Mtn
ST LOUIS CREEK CG
Tabernash
Meadow Creek CG
Pettingell Pk
Herman Lake
Woods Mtn
Mount Parnassus
Engelmann Pk
Robeson Pk
Bard Pk
Bobtail Creek
Henderson Lake
Big Bend Pk
Ranch Creek
Cabin Creek
Vasquez Creek
Fraser
Jones Pass Tunnel

# 19. **WILLIAMS FORK** - FPA

Size: 53,888 acres - Study Area
34,000 acres - Armstrong's 1986 Bill
40,000 acres - Wirth's 1989 Bill

Arapaho National Forest (RARE II, 2-114, further planning recommendation)

Grand & Summit Counties, Colorado; Third Congressional District

Location: 1 mile north of Dillon

Recommendations

A.) Forest Service -

Forest Service (R-2), Routt National Forest Land and Resource Management Plan, November, 1983.

Capable: No. (WARS, 14 with water development, 20 without water development). Unmanageable boundary location and impending Denver Water Board project.

Available: No. High potential for locatable minerals and potential loss of wilderness character caused by the possible development of the Denver Water Board's water diversion project.

Need: Yes. Significant demand due to proximity of Denver metro area.

Total area is recommended unsuitable for inclusion in N.W.P.S.

B.) CMA & MEC - oppose wilderness designation.

Mineral Potential

Known mineral occurrences are located in the northeastern portion of the FPA near Jones Pass where silver, lead and zinc have been mined and uranium has been prospected. Workings, scattered throughout this section of the FPA, show veins exposed; lead-zinc-silver resources are possible at any of the mine workings within this FPA. Concentrations of cadmium, cobalt, copper, gold, nickel and manganese were found in some samples, also. Uranium occurs at claim blocks in the areas adjacent to the Williams Fork area. Low concentrations of uranium and molybdenum have been detected within the area, also.

The Henderson Molybdenum Mine is located within a mile of the northeast section of this FPA. Substantiated and probable mineral resource potential is described for the eastern part of the area in U.S. Geological Survey Professional Paper 1300 and USBM Mineral Summary, Oct., 1989.

Recorded Production

None.

19. **WILLIAMS FORK** - Page 2

Mining Districts, Mines, and Claims

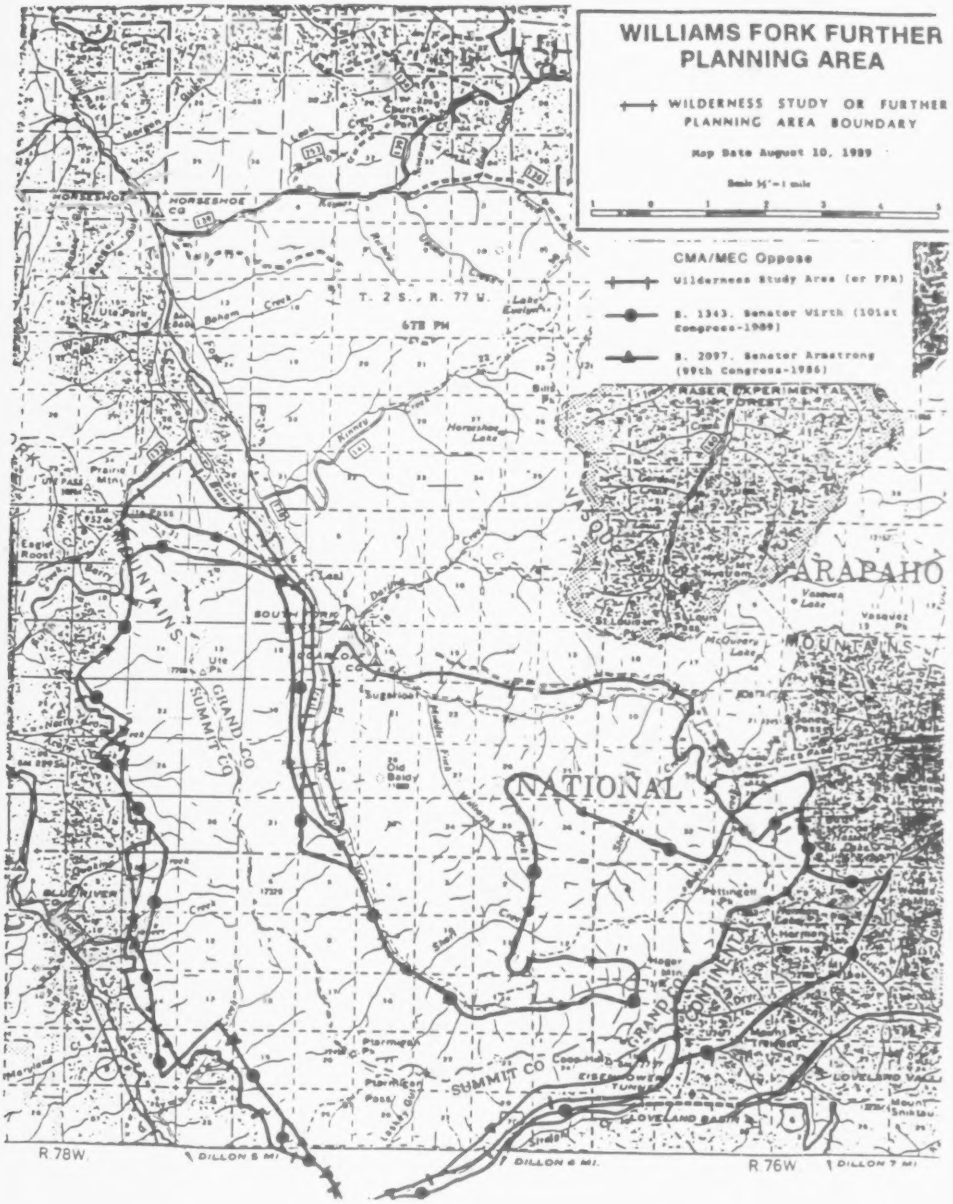
La Plata Mining District: 300 claims.

Jones Pass Mines: 6,074 oz. silver, 1 oz. gold,
6,609 lbs. lead, 658 lbs. zinc.

(Much production not recorded.)

Recent Company Activity

The La Plata Mine was leased in 1982, but work has been limited because of snow conditions.


WILLIAMS FORK FURTHER PLANNING AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Map Date August 10, 1989
Scale ½" = 1 mile
1
0
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2
3
4
5
CMA/MEC Oppose
Wilderness Study Area (or FPA)
S. 1343. Senator Wirth (101st Congress-1989)
S. 2097. Senator Armstrong (99th Congress-1986)
HORSESHOE CG
T. 2 S., R. 77 W.
6TH PM
Ute Park
Horseshoe Lake
Lake Evelyn
FRASER EXPERIMENTAL FOREST
ARAPAHO
NATIONAL
MOUNTAINS
UTE PASS
Prairie Mtn
Eagle Roost
SOUTH FORK
Sugarloaf
Old Baldy
GRAND CO
SUMMIT CO
St. Louis
Vasquez Lake
McQueary Lake
Pettingell
Jones Pass
Ptarmigan Pk
Ptarmigan Pass
EISENHOWER TUNNEL
LOVELAND BASIN
LOVELAND VALLEY
CONTINENTAL
BLUE RIVER
R.78W.
DILLON 5 MI
DILLON 6 MI
R.76W
DILLON 7 MI